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FORENSIC SCIENCE

1977-1978 REPORT

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MONTANA BOARD

FORENSIC SCIENCE

1977-1978 REPORT

STATE
OF
MONTANA

ATTORNEY GENERAL
MIKE GREELY

STATE CAPITOL, HELENA, MONTANA 59601 TELEPHONE (406) 449-2026

Dear Fellow Montanans:

The public owes a debt of gratitude to the Montana Board of Forensic Science.

Since October of 1977, the Board has labored tirelessly to develop a blueprint for implementing the Montana Forensic Science System Act. This important piece of legislation is the groundwork for a law enforcement service long overdue in Montana, one which will improve vastly the performance of our criminal justice system. The public will benefit enormously through better law enforcement protection and will save tax money through more efficient scientific investigation of crimes.

The following Report bears witness to the Board's thoroughness and its sensitivity to individual community needs. Montana is not a social or political monolith; our cities and towns are as unique individually as Montana is from the rest of the nation. Our constitution and statutes account for this uniqueness, and so does the proposal embodied in this Report. The Board shares my conviction that local government authority enriches the lives of our citizens by enabling them to participate directly in decisions that affect their livelihoods and enterprises.

As your Attorney General I have seen ample evidence of the growing cost of crime in Montana. I applaud the 1977 Legislature for recognizing that crime is becoming ever more sophisticated, and that the public is entitled to law enforcement services that measure up to the sophistication of criminals. The product of that recognition is the Montana Forensic Science System Act. The Board of Forensic Science has given us the method by which to make the Act a reality.

More than a decade has passed since concerned citizens and law enforcement professionals took the first step toward a forensic science system in Montana. The road has been long and difficult; countless people-hours have been devoted to research and evaluation of Montana's law enforcement needs; hundreds of dedicated individuals have contributed selflessly to developing the concept. Today, no one can dispute the conclusions reached through a decade of effort: Montana desperately needs a medical examiner system in conjunction with a full-service crime laboratory. We need a forensic

science system. Without it, our citizens bear not only the costs of sending evidence out of state for scientific investigation, but also the cost of lost convictions.

As you will note in reading this Report, a forensic science system is much more than a prosecutor's tool. Scientific investigations often as not determine innocence, thereby sparing the public the expense of needless trials. A medical examiner performs valuable health services unrelated to criminal justice in addition to those involving "suspicious deaths." In short, a forensic science system serves the public in ways too numerous to enumerate here.

In closing, I want to stress that an effective forensic science system need not be expensive. The Board has developed a proposal that is remarkably frugal without compromising the Legislature's intent to establish a system that works. In close consultation with the Board, the Department of Justice has designed a funding proposal that does not require citizens' tax money to get the job done. I invite every Montanan to scrutinize that proposal as it appears here, and to weigh its benefits against the great need for better and more economical law enforcement. I urge you to join me in extending my heartfelt thanks to the Montana Board of Forensic Science for answering that need.

With best wishes, I am

Sincerely,

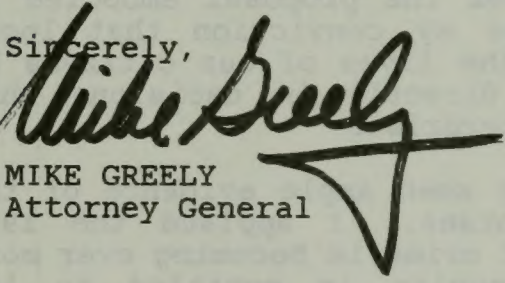

MIKE GREELY
Attorney General

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EDITORS NOTE

The Montana Board of Forensic Science has been in existence since April 29, 1977. Its functions cease on April 29, 1979. The Board has made substantial gains in achieving its objective of establishing the Division of Forensic Science, and has received the Attorney General's commendation for long and arduous hours spent on its task. Equally important, however, is the recognition of the time and effort spent by the Board's supporting staff.

The Board wishes to thank Attorney General Mike Greely for the invaluable assistance of his staff members. Lonn Hoklin, Board Administrator, Sharon Wolfe, Assistant Administrator, and Mike McGrath, Legal Counsel, are acknowledged for their abilities, talents and hard work. Their consultation to the Board is extremely noteworthy. Department of Justice Intern Bruce McGinnis is recognized for the time and energy he devoted during his internship. The Attorney General's secretarial staff is extended special thanks. Without their efforts, this Report would have remained in various files and in countless legal pads. A special thanks is extended to Karen Fred for typing the first draft of this Report. In view of my penmanship, her efforts are to be applauded.

A final thanks is extended to state personnel, within and without Montana, who provided statistical and background

information for this Report. From librarians to department administrators, their input and assistance has been invaluable.

PREFACE

Montana has entered a period of substantial growth. Its major cities are experiencing an influx of population from larger urban states. Other regions cast anxious eyes on Montana's vast supply of energy reserves. The combination of rising population and expanding industry has already destroyed the relative isolationism Montana once endured and enjoyed. Accompanying Montana's growth is a proportional increase in population needs: state and local services in health, education, environmental regulation, planning and criminal justice are but a few.

Within the past year many states have experienced a tide of public antipathy toward governmental growth and increased public spending. The public has reached a limit in its willingness to fund governmental services. The Board of Forensic Science and the Department of Justice understand and sympathize with the public demand for greater economy in government. At the same time, we have sought to avoid the inevitable repercussions of failure to ensure improvement of law enforcement services--the one area in which the public overwhelmingly supports expansion to meet growing needs.

Prioritizing the law enforcement needs of a diverse public is not an easy task. Each interest has its own particular needs and deems its own the most vital. Embodied in the "Report of the Montana Board of Forensic Science 1977-1978" are the deliberations and recommendations of

legal, medical and administrative professionals from throughout Montana regarding the operation of a Division of Forensic Science. Their objective was not only to realize the effective operation of the Division, but also to ensure that any forensic science system is responsive to the needs of the public.

A state Division of Forensic Science will improve Montana's criminal justice system. Through its medicolegal investigations and crime laboratory operations the Division will add an important dimension to Montana's criminal justice system. Equally important will be the Division's contribution to the people and communities of Montana. G.E. Corrigan, in his article, "Realm of Forensic Pathology," removes the forensic science system from the world of homicide and places it among the living:

"...What better way to assess a society than to know how many of its children are dying at home without medical attention, how many of its mothers are dying from septic abortions, and how many of its fathers are dying at work in hazardous environments? Forensic Pathology, then, is the study of the ecology and the nature of human death. It is the study of public deaths, and those of concern to the public at large. It is meant to aid the living..."

The following report contains the efforts of thoughtful individuals toward upgrading Montana's criminal justice system. Their intentions, however, are much broader in scope. By establishing a Division of Forensic Science the Board hopes to maximize Montana's ability to ensure safe, healthful, and progressive communities.

MONTANA BOARD OF FORENSIC SCIENCE

MEMBERS

John Pfaff, M.D., ChairmanGreat Falls
Robert Harvie, Vice Chairman,
Montana State University.....Bozeman
Mickey Nelson, Secretary Treasurer
Chairman, Personnel Resources Committee
Lewis and Clark County Coroner.....Helena
Fritz O. Behr, Chairman,
Physical Resources Committee
Department of Justice.....Helena
Don White, Chairman, Basic Operations and
Planning Committee
Gallatin County Attorney.....Bozeman
William Brinkel, Stillwater County Commissioner.....Columbus
Robert Chesterfield, Montana Fish and Game.....Great Falls
Dale Dye, Sheriff.....Hamilton
Donald F. Hellman, Assistant Chief of Police.....Kalispell
John Jutila, Ph.D., Montana State University.....Bozeman
Gene Kizer, Chief of Police.....Billings
Ray Lynch, Mayor.....Dillon
John Newman, M.D.....Butte
Wally Schumacher, Deputy Sheriff.....Bozeman
Thomas Twichel, Ex-officio Member
Montana Funeral Directors Association.....Helena

Attorney General Mike Greely

STAFF

Board Administrator
Lonn Hoklin

Assistant Administrator
Sharon Wolfe

Legal Counsel
Mike McGrath

Publication Editor
Tom Hoff

Department of Justice Intern
Bruce McGinnis

SECRETARIES

Sheila O'Loughlin
Beverly Rhodes

Annell Russell
Debbie Bushnell

Darlene Certain
Karen Fred

STATE
OF
MONTANA
ATTORNEY GENERAL
MIKE GREELY

STATE CAPITOL, HELENA, MONTANA 59601 TELEPHONE (406) 449-2026

THE ATTORNEY GENERAL SENT THE FOLLOWING LETTER OF APPOINTMENT TO EACH BOARD MEMBER.

9 September 1977

Mr. Mickey Nelson
County Coroner
Lewis and Clark County Courthouse
Helena, Montana 59601

Dear Mr. Nelson:

You have been nominated in accordance with the Montana Forensic Science System Act to serve as a member of the Board of Forensic Science. It is my honor to confirm that nomination with your appointment as provided by the Act.

The Board is a key feature of the envisioned forensic science system. It will establish a state Laboratory of Criminalistics and will appoint a state Medical Examiner. The Board will also set the fundamental operating policy for a new division within the Department of Justice--the Division of Forensic Science.

Serving on the Board is a demanding responsibility in light of the complex issues associated with formation of a state forensic science system; the demands became even greater because of the statutory requirement that the Board terminate on July 1, 1979. I have enclosed two Department of Justice memoranda which I hope will be useful to you in contemplating the task ahead.

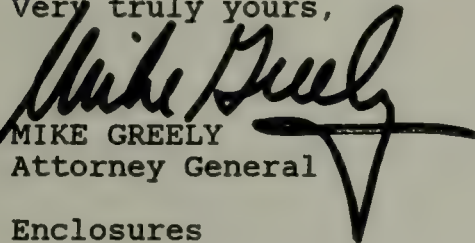
We will notify you shortly of the date and place of the first Board meeting which I hope can be held before the end of September. Enclosed will be a list of your fellow Board members and a suggested agenda for the initial meeting. Should you have questions or observations concerning the date and place of that meeting, don't hesitate to contact my executive assistant, Lonn Hoklin, in my office. If for some reason you cannot accept this appointment, please notify him immediately.

Mr. Mickey Nelson
9 September 1978
Page 2

Be assured that the Board of Forensic Science will have the total cooperation of the Department of Justice in this important undertaking. I look forward to assisting and working with you as the Board deals with the many issues associated with the task.

With best personal wishes, I am

Very truly yours,



MIKE GREELY
Attorney General

Enclosures

3 October 1977

The Honorable Frank Murray
Montana Secretary of State
Capitol Building
Helena, Montana 59601

Re: Board of Forensic Science

Dear Mr. Murray:

This is to advise you that, in accordance with Section 82-432, R.C.M. 1947, I have appointed the following members to the Board of Forensic Science. The category in this statute under which each member qualifies is designated by subsection, following his name and address.

<u>Name</u>	<u>Address</u>	<u>Category</u>
Ray Lynch	Mayor City Hall Dillon, Montana	3(a)
William Brinkel	Chairman Stillwater County Commission Columbus, Montana	3(b)
Don White	County Attorney Gallatin County Courthouse Bozeman, Montana	3(c)
Robert A. Harvie	Chairman Peace Officers Standards and Training Council Department of Sociology Montana State University Bozeman, Montana	3(d)
Gene Kizer	Chief of Police Billings Police Department Billings, Montana	3(e)

Dale Dye	Ravalli County Sheriff Ravalli County Courthouse Hamilton, Montana	3(f)
Wally Schumacher	Deputy Sheriff Gallatin County Sheriff's Office Bozeman, Montana	3(g)
Joseph E. Lee	Butte-Silver Bow Law Enforcement Butte, Montana	3(h)
Robert J. Griffith	Montana Highway Patrol Helena, Montana	3(i)
Robert Chesterfield	773 32nd Avenue Great Falls, Montana	3(j)
Fritz O. Behr	Administrator Law Enforcement Services Division Department of Justice Helena, Montana	3(k)
Dr. John Newman	2604 Evans Butte, Montana	3(l)
Dr. John Pfaff	Columbus Hospital 500 15th Avenue South Great Falls, Montana	3(m)
John Jutila	Dean of College of Letters and Sciences Montana State University Bozeman, Montana	3(n)
Mickey Nelson	County Coroner Lewis and Clark County Courthouse Helena, Montana	3(o)

Formal commissions have been prepared for each of the appointees. In the interest of saving time and effort for your office, members of the Board will sign Oath of Office

forms while in Helena next week for their first meeting. We will return them to you for filing.

Very truly yours,

MIKE GREELY
Attorney General



STATE OF MONTANA

OFFICE OF THE

SECRETARY OF STATE

FRANK MURRAY
SECRETARY OF STATE

~~XXXXXXXXXXXX~~

CHIEF DEPUTY
Leonard C. Larson

HELENA, MONTANA 59601

October 12, 1977

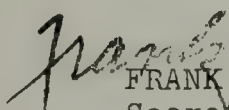
Mr. Mike Greely
Attorney General
State Capitol
Helena, Montana 59601

Dear Mr. Greely:

Please be advised that I have filed the Oaths of Office of the persons listed below as members of the Board of Forensic Science.

<u>Name</u>	<u>Date Filed</u>	<u>Document No.</u>
Ray Lynch	10/11/77	11027
William Brinkel	10/11/77	11031
Don White	10/11/77	11032
Robert A. Harvie	10/11/77	11028
Dale Dye	10/11/77	11023
Wally Schumacher	10/11/77	11022
Joseph E. Lee	10/11/77	11025
Robert J. Griffith	10/11/77	11021
Robert Chesterfield	10/11/77	11030
Fritz O. Behr	10/11/77	11033
John Newman	10/11/77	11024
John Pfaff	10/11/77	11029
Mickey Nelson	10/11/77	11026
Gene Kizer	10/20/77	11106
John Jutila	11/14/77	11107

Sincerely yours,


FRANK MURRAY
Secretary of State

FM/bwjm

PRESIDENT
JAMES BURNES, President
Great Falls

PAST PRESIDENT
DEAN BETZER, Sheriff
Billings



SECRETARY-TREASURER
BILL DAMM, Sheriff
Miles City

OFFICIAL PUBLICATION
"THE MONTANA SHERIFF AND PEACE OFFICER"

Sheriffs and Peace Officers Association

1st VICE PRESIDENT
DALE DYE
Hamilton

2nd VICE PRESIDENT
GLEN FRAME
Polson

3rd VICE PRESIDENT
JOHN ONSTAD
Bozeman

BOARD OF DIRECTORS
SHERIFFS

JOHN KRSUL
Great Falls

MURDO MacLEAN
Chinook

W. L. HAMMERMEISTER
Conrad

JAMES F. EICHLER
Red Lodge

BUZZ DAVIS
Dillon

UNDERSHERIFFS AND
DEPUTIES

WALLY SCHUMACHER
Bozeman

ROBERT SCHERER
Havre

JERRY DELL
Billings

JIM MILLER
Sidney

ROBERT BROWN
Lewistown

OFFICE OF THE SECRETARY
Telephone 232-2237
MILES CITY, MONTANA 59301

PUBLIC RELATIONS
DIRECTOR
LLOYD KALOVSKY

July 19, 1977

Mike Greely
Attorney General
State of Montana
State Capitol
Helena, Montana, 59601

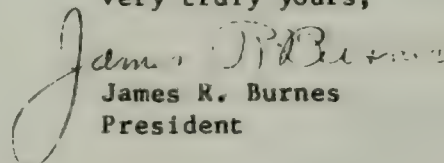
Attn: Mr. Lonn Hoklin

Dear Sir:

Thank you for your letter of July 15, 1977 concerning the Forensic Science System Act. It is my pleasure to nominate Deputy Sheriff Wally Schumacher, Gallatin County Sheriffs Dept., Bozeman, Montana, as the Deputy Sheriff member of the Board.

I have discussed this with Wally and he is vitally interested in this project and I am sure will well represent all of us in this matter.

Very truly yours,


James R. Burnes
President

Montana State University

Bozeman, Montana 59715

Tel. 406-994-4201

Department of Sociology
College of Letters and Science
and
Agricultural Experiment Station

Sociology Rural Sociology
Social Work Anthropology
Criminal Justice

July 19, 1977

Honorable Mike Greely
Attorney General
State of Montana
Capitol Building
Helena, MT 59601

Dear Attorney General:

In response to your letter of 15 July 1977 concerning appointment to the Board of Forensic Science, I, as Chairman of the Peace Officers Standards and Training Council, would be happy to serve.

I hope the Board, within the time allotted, is able to perform its statutory duty. I personally will do everything I can to ensure that the Board's function and goals are attained.

Sincerely yours,



Robert A. Harvie

RAH:tk



Department of Justice

MONTANA HIGHWAY PATROL

1014 National Avenue Helena, Montana 59601 Telephone (406) 449-3000



25
July
1977

Honorable Mike Greely
Attorney General
The Capitol
Helena, MT 59601

Dear Mike:

The nominee as a member of the Board of Forensic
Science from the highway patrol is Captain Robert
J. Griffith.

Sincerely,

COLONEL JOE R. SOL, Chief
Highway Patrol Bureau

JRS:ms

PRESIDENT
JAMES BURNES, President
Great Falls

PAST PRESIDENT
DEAN BETZER, Sheriff
Billings



SECRETARY-TREASURER
BILL DAMM, Sheriff
Miles City

OFFICIAL PUBLICATION
"THE MONTANA SHERIFF AND PEACE OFFICER"

Sheriffs and Peace Officers Association

1st VICE PRESIDENT
DALE DYE
Hamilton

2nd VICE PRESIDENT
GLEN FRAME
Polson

3rd VICE PRESIDENT
JOHN ONSTAD
Bozeman

BOARD OF DIRECTORS

SHERIFFS

JOHN KRSUL
Great Falls

MURDO MacLEAN
Chinook

W. L. HAMMERMEISTER
Conrad

JAMES F. EICHLER
Red Lodge

BUZZ DAVIS
Dillon

**UNDERSHERIFFS AND
DEPUTIES**

WALLY SCHUMACHER
Bozeman

ROBERT SCHERER
Havre

JERRY DELL
Billings

JIM MILLER
Sidney

ROBERT BROWN
Lewistown

OFFICE OF THE SECRETARY
Telephone 232-2237
MILES CITY, MONTANA 59301

**PUBLIC RELATIONS
DIRECTOR**
LOYD KALOVSKY

July 25, 1977

Mike Greely
Attorney General
State of Montana
State Capitol Bldg.
Helena, Montana, 59601

Attn: Lonn Hoklin

Dear Lonn:

Thank you for the letter of July 15, 1977, concerning the Forensic Science System Act. It is my pleasure to nominate Sheriff Dale Dye of Ravalli County, Hamilton, Montana as the Sheriff representative on the Board.

I have discussed this with Dale and he is vitally interested in this project and I am sure will well represent us in this matter.

Very truly yours,

James R. Burnes
James R. Burnes
President

County of Yellowstone

COMMISSIONERS



BILLINGS, MONTANA
59101

August 2, 1977

Mike Greely
Attorney General
State of Montana
State Capitol
Helena, MT 59601

Re: Your Letter of 15 July 1977 Requesting Appointment to the
Forensics Science Board under HB 461

Dear Mr. Greely:

In accordance with the above-cited letter, pleased be advised that it is my recommendation that you appoint Mr. William Brinkel, Chairman of the Board of County Commissioners of Stillwater County, to the Forensics Science Board.

Mr. Brinkel was recently elected to a 6-year term and I believe you would find him interested, attentive to the problems of the Board and timely in his attendance at the meetings. I believe he will meet the demanding responsibilities of the complex issues facing this Board in the period of its existence, which I understands terminates on July 1, 1979.

Very truly yours,

M. E. McClintock, President
Montana Association of Counties

MEM:bjs

cc: Wm. Brinkel
Dean Zinnecker

MONTANA CORONERS' ASSOCIATION

5 August 1977


Mr. Mike Greely, Attorney General
Office Of The Attorney General
Capitol Station
Helena, MT 59601

Dear Mike:


It gives me great pleasure as President of The Montana Coroners' Association to enounce that M.E."Mickey"Nelson, Coroner of Lewis & Clark County will be are nominee to your Office to serve on The Board Of Forensic Science through July 1, 1979. Mickey was elected to this position by an unanimous ballot of those present and of the proxy ballots.

At this time on behalf of the Montana Coroners' Association I would like to thank your staff for comming to our state meeting in Helena, it was informative and made us as coroners feel much closer to the Attorney Generals' Office.

Very truly yours,



Leo Jacobsen, Coroner
Butte-Silver Bow County
President
Montana Coroners' Association



montana league of cities and towns

P.O. BOX 1111 • HELENA, MONTANA 59601 • PHONE 7106-44

August 12, 1977

Mr. Mike Greeley
Attorney General
State of Montana
Capitol Building
Helena, Montana 59601

Dear Attorney General Greeley:

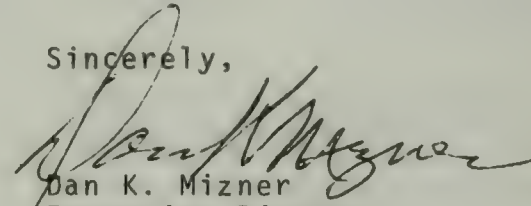
Your letter to Mayor Ray Lynch of Dillon and President of the Montana League of Cities and Towns has been sent to me for reply.

I have contacted the other officers of the League and they are in agreement that Mayor Ray Lynch would be their choice as an appointee to serve on the Board of Forensic Science as a representative of the Montana League of Cities and Towns.

I am sure you would find Mayor Lynch to be knowledgeable, hard working and fair minded as well as very faithful in attending meetings.

Thank you for this consideration.

Sincerely,



Dan K. Mizner
Executive Director

DKM/m

MONTANA ASSOCIATION
OF
CHIEFS OF POLICE

August 12, 1977

The Honorable Mike Greely
Attorney General of the State of Montana
State Capitol
Helena, Montana 59601


Dear Mike:

This letter is in regards to the new Montana Forensic Science Board. As President of the Montana Chiefs of Police Association, I am forwarding to you for your consideration the name of Gene Kiser of Billings, Montana.

Gene is a veteran police officer with years of experience in many fields of law enforcement. I am sure he will serve well on the Board of Forensic Science.

Thank you for your consideration in this matter.

Sincerely,



William G. Steele, Jr.
President

WGS:pb



**MONTANA POLICE PROTECTIVE
ASSOCIATION**

OFFICE OF

DATE August 15, 1977

President

Billings, MONT.

Mr. Mike Greely
Attorney General
State Capitol
Helena, Montana 59601

Dear Mr. Greely;

Your letter of July 15, 1977 addresses to the Montana Police Protective Association in care of Mr. Carl Walton was referred to the delegates at the 47th annual M.P.P.A. Convention held this last week in Bozeman.

It is my pleasure to submit to you on the behalf of the M.P.P.A. the name of Joseph E. Lee of the Butte Police Department as our nominee to the Board of Forensic Science.

Mr. Lee has expressed a desire to serve on this board and was elected by the delegates as their choice.

As the newly elected President of the M.P.P.A. I would very much like to keep in contact with you regarding matters that would be of interest to our organization. If I can be of any assistance please feel free to contact me.

Sincerely,

Lt. Jere' Wamsley, President
Montana Police Protective Association
Billings Police Department
Billings, Montana 59103

Columbus Hospital

DEPARTMENT OF PATHOLOGY

Great Falls, Montana 59401

J. PFAFF, JR., M.D.
J. R. HENNEFORD, M.D.

August 19, 1977

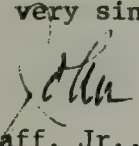
Mike Greely
Attorney General
State of Montana
Capitol Building
Helena, Montana 59601

Dear Mike:

Thank you for your letter of August 8 and particularly for the generous compliments, many of which are undeserved.

I am, of course, very pleased you have asked me to serve on the Forensic Science Board and will do all possible to be of assistance in this regard.

Yours very sincerely,


J. Pfaff, Jr., M.D.
Forensic Pathologist

JP:jf

STATE OF MONTANA



DEPARTMENT OF

FISH AND GAME

Helena, Montana
September 1, 1977

Mr. Mike Greely
Attorney General
State Capitol
Helena, Montana

Dear Mr. Greely,

I would like to nominate Mr. Robert Chesterfield as the Department of Fish and Game's representative to the Board of Forensic Science as provided by H.B. 461, Montana Forensic Science System Act.

Mr. Chesterfield has attended a Forensic Workshop sponsored by the Alberta Game Department dealing with game violation research and has been actively studying forensics in hopes of applying any gained knowledge to violations within the scope of the department's jurisdiction.

I believe Mr. Chesterfield will represent the interests of our constituency and the public in this important task. He has demonstrated outstanding qualities as a warden captain in our Law Enforcement Division and is active in various projects within the department.

Sincerely yours,

Robert F. Wambach
State Fish and Game Director

RFW:NLR:ec

CC: R. Chesterfield
O. Lewis
E. Kent
N. Thoreson

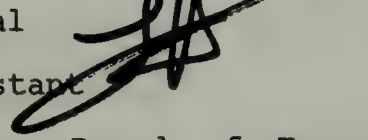
MEMORANDUM

6 September 1977

TO: Mike Greely, Attorney General

FROM: Lonn Hoklin, Executive Assistant

RE: Appointments to the Montana Board of Forensic Science



I. The following individuals have been nominated in accordance with the Forensic Science System Act by the respective associations and agency heads to serve on the Board of Forensic:

1. Incumbent mayor--Ray Lynch, Dillon, Montana (City Hall) 59725.
2. Incumbent county commissioner--William Brinkel, Chairman, Stillwater County Commission, Courthouse, Columbus, Montana 59019.
3. Incumbent county prosecutor--Don White, Gallatin County Courthouse, Bozeman, Montana 59715.
4. Chairman of the Peace Officers Standards and Training Council--Robert A. Harvie, Department of Sociology, Montana State University, Bozeman, Montana 59715.
5. Chief of police--Gene Kizer, Billings Police Department, Billings, Montana 59101.
6. Incumbent sheriff--Dale Dye, Ravalli County Courthouse, Hamilton, Montana 59840.
7. Deputy sheriff--Wally Schumacher, Gallatin County Sheriffs Office, Bozeman, Montana 59715.
8. Police officer--Joseph E. Lee, Butte-Silver Bow Law Enforcement, Butte, Montana 59701.
9. Highway Patrol chief's nominee--Captain Robert J. Griffith, Montana Highway Patrol.
10. Director of Department of Fish and Game nominee--Robert Chesterfield, 773 32nd Avenue, Great Falls, Montana 59401.

11. Attorney General's appointee--Fritz Behr, Administrator, Law Enforcement Services Division, Department of Justice.
 12. Medical doctor--not yet appointed; among the possibilities are Dr. Bill Norman of Missoula and Dr. John Newman of Butte.
 13. Medical pathologist--Dr. John Pfaff, Jr., Columbus Hospital, Department of Pathology, Great Falls, Montana 59401.
 14. Individual with a graduate degree in forensic science--among the possibilities is Dr. John Jutila of Montana State University.
 15. Incumbent coroner--Mickey Nelson, Lewis and Clark County Courthouse, Helena, Montana 59601.
- II. Fritz Behr and I will meet with Dr. Pfaff at 4:00 p.m., 13 September 1977, to discuss agenda and meeting time for the Board. Letters of appointment should go to all members prior to that; a subsequent mailing (sometime next week after my meeting with Pfaff) will disclose agenda and meeting date.

III. Funding

1. Don Crabbe of Board of Crime Control Division told me the following:
 - A. LEAA Region 8 is in the final evaluation stage with Montana's proposed \$25,000 Board of Forensic Science program. The money should be available between October 1-15.
 - B. The Department must apply for all or part of the \$25,000 through the normal process. Grants require a hard ten percent match. My conversation today with Kuchenbrod reveals that this requirement causes real problems.



Sheriff's Office

Butte - Silver Bow
Butte, Mont.

59701



November 17, 1977

Mike Greely, Attorney General
State Capitol
Helena, Montana 59601

Dear Sir:

SUBJECT: Resignation from Montana Board of Forensic Science

Because of my recent appointment as Undersheriff for Butte-Silver Bow County, I no longer comply with section six (6) of the Montana Forensic Science System Act to serve as a member of the Board of Forensic Science.

I therefore feel that it would be in the best interest of the Forensic Board, that my resignation be accepted without unnecessary delay and a new member be appointed by the President of the Montana Police Protective Association with your approval to fill my vacancy before the next meeting.

I feel that the Forensic Board is a very important instrument in the development of a viable Forensic Science System. I extend my best wishes for the success of your endeavors.

Respectfully,

Joseph Lee, Undersheriff
Butte-Silver Bow Law Enforcement

vm

STATE
OF
MONTANA
ATTORNEY GENERAL
MIKE GREELY

STATE CAPITOL, HELENA, MONTANA 59601 TELEPHONE (406) 449-2026

5 May 1978

Mr. Thomas Twichel
315 East Sixth Avenue
Helena, Montana 59601

Dear Mr. Twichel:

At its March meeting, the Montana Board of Forensic Science enacted a resolution to recommend that the Attorney General appoint to the Board an ex-officio member representing the Montana Funeral Directors Association. In accordance with the Board's resolution, and in response to a nomination by the Association, it is my pleasure hereby to appoint you as an ex-officio member of the Montana Board of Forensic Science.

As you may know, the 1977 Legislature enacted HB 461, the Montana Forensic Science System Act, which required the Attorney General to appoint a fifteen member Board of Forensic Science. The statute specifically mandated Board representation of various professional associations and agencies associated with the criminal justice system. I responded to those statutory requirements by soliciting and appointing nominees to the Board from the specified professional associations and agencies. The statute, however, did not include funeral directors among the Board membership.

Inasmuch as the mission of the Montana Board of Forensic Science is to design a comprehensive state forensic science system, and inasmuch as funeral directors are closely involved with the handling of suspicious and unattended deaths, it follows that the Board would benefit from the guidelines and experience of the funeral directors. Though the Board cannot expand its voting membership under the Act, it can avail itself of ex-officio advice and consultations. I fully agree with the Board that it needs on-going communication with the funeral directing profession, and that your views and observations will assist immeasurably in addressing the numerous issues surrounding creation of a comprehensive forensic science system.

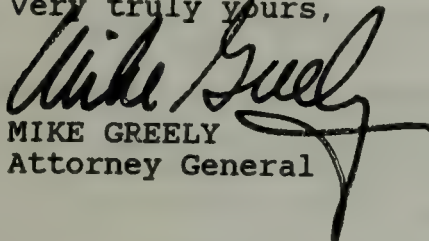
I have enclosed memoranda which I hope you will find useful in preparing for your work with the Board. I have also enclosed a Board meeting schedule, a copy of the Act and the Board's resolutions and Meeting Records to date. Please

feel free to contact my Executive Assistant, Lonn Hoklin, if you have questions relating to the Board's endeavors.

I encourage you to accept this appointment to represent your colleagues in the proceedings of the Montana Board of Forensic Science. Your active participation and help will be greatly appreciated.

With best personal wishes, I am

Very truly yours,



MIKE GREELY
Attorney General

ATTORNEY GENERAL'S RECOMMENDATIONS

Attorney General Mike Greely has monitored the Board's deliberations since its very first meeting. Following his appointment of the Board, the Attorney General expressed his intention to remain apart from direct involvement in Board activities. Decisions, he said, should reflect the expertise and wisdom of Board members and their constituencies. The Attorney General offered consultations to the Board without directing its actions.

The Board's objectives were clearly outlined in House Bill 461: "Montana Forensic Science System Act." To further clarify those objectives, the Attorney General outlined in memorandum form the intent of House Bill 461 and attendant issues. These statements appear herein.

H.B. 461: "Montana Forensic Science System Act"

July 5, 1977

MONTANA DEPARTMENT OF JUSTICE

Mike Greely, Attorney General

"Forensic medicine" -- n: a science that deals with the relation and application of medical facts to legal problems.

"Forensic pathology" -- n: the study and application of the essential nature of diseases or injuries of organic tissue in order to solve legal questions surrounding such diseases or injuries.

"Laboratory of Criminalistics" or "crime lab" -- n: a laboratory for the purpose of conducting scientific investigations into the origins, methods and chronologies of specific criminal acts, usually through application of such disciplines as ballistics, chemistry or forensic medicine; a laboratory used to develop and assemble evidentiary material needed to solve or prosecute crimes.

1. Purpose of the Act:

A. The Act seeks to provide the personnel, the facilities, and the program needed to investigate and to determine the cause of "suspicious" deaths. Beyond this, the Act seeks to aid law enforcement agencies and county attorneys in determining who is responsible for such deaths, and later in prosecuting those charged in connection with those deaths.

B. Pursuing the above objectives requires laboratory analysis of specimens submitted by law enforcement and other agencies. The experts who conduct the analysis often must testify in court during a trial to support and defend their scientific findings.

2. What the Act does:

- A. Section 3 of the Act creates within the Department of Justice the Division of Forensic Science. Within the Division are an "office of forensic pathology" and a "laboratory of criminalistics." A common distinction between the two involves their respective operations: in many states, "forensic pathology" means scientific investigation into suspicious deaths--primarily suspected homicides; "laboratory of criminalistics," or "crime lab," generally refers to much broader concerns that include scientific investigations into matters of drug enforcement, theft, and crimes other than homicide.
- B. Section 6 of the Act requires the Attorney General to appoint a fifteen-member Board of Forensic Science that will terminate on July 1, 1979.
 - 1. Duties of the Board include establishing the Laboratory of Criminalistics mentioned earlier and appointing a state Medical Examiner. Another major responsibility of the Board is to "establish policy and set all necessary procedures for the functioning of the Division of Forensic Science."
- C. Section 3 of the Act also creates the head of the Division of Forensic Science--the State Medical Examiner--to be appointed by the Board of Forensic Science. Section 10 outlines the duties of the Medical Examiner (ME):
 - 1. To provide "assistance and consultation" to associate Medical Examiners (which the Act authorizes the ME to appoint as needed), to law enforcement agencies, and to coroners.
 - 2. To testify in court on matters related to scientific investigations into crimes.
 - 3. To conduct and promote research in the field of forensic pathology.
 - 4. To conduct on-going education and training of Associate Medical Examiners, coroners and law enforcement officers.
 - 5. To appoint an administrative assistant to handle the administrative affairs of the Division of Forensic Science.

- D. Section 11 allows the ME to appoint licensed physicians to serve as "Associate Medical Examiners" (AME's). The AME's may continue their private practices while serving. The ME determines their compensation and duration of service based on the need for their assistance.
- E. Section 12 focuses on the specific functions of the Laboratory. The purpose of the lab, according to the Act, is to analyze specimens submitted by all state, county or city law enforcement officers. The Act also allows the Laboratory Director to analyze specimens submitted by other states, and to charge a reasonable fee for such analysis. The lab may not, however, charge state, county or local agencies for its services.
- F. Section 13 outlines the responsibilities of the Director of the Laboratory of Criminalistics. In addition to supervising the laboratory, the Director will hire the needed personnel and determine how the specimens submitted will be treated and handled.
- G. Subsequent sections of the Act provide for the ME or Laboratory Director, and exempt the ME from liabilities arising out of autopsies performed in accordance with the law. Other sections deal with burial arrangements for corpses, disposition of property belonging to deceased persons affected by the Act, and appointment of Deputy Coroners to assist County Coroners.
- H. Section 19 establishes penalties for knowingly concealing a death or failing to report a death. The section extends the penalties for refusing to make available prior medical information or other material needed by an investigation into a death, and for tampering with a corpse under investigation without an order from the ME or the coroner.
- I. Section 20 requires the ME to report the results of a death investigation to the appropriate county attorney for action. The following section requires the ME to keep copies of all "records and detailed findings of autopsies and laboratory investigations."
- J. Sections 22 through 25 of the Act amend previously existing law as it relates to investigations of suspicious deaths:

1. Section 22 reaffirms the coroners' responsibility to hold inquests; "The coroner must hold inquests, as provided in Title 95, Chapter 8, R.C.M. 1947." This section established a framework for additional amendments that create a role for the ME in the investigations of "suspicious" deaths. Prior to this legislation, coroners were required only to notify law enforcement agencies in the cases of deaths with suspected criminal causes. The next section extends the responsibility to hold inquests to those cases involving the deaths of state prisoners.
2. Section 24 specifically requires coroners to conduct investigations into deaths of suspected criminal origins, and amends previously existing law to require notification of the ME as well as the appropriate law enforcement agencies. Section 25 changes the law by requiring that the ME or an AME conduct autopsies if ordered by a Coroner, a County Attorney or the Attorney General. Previously, coroners retained private physicians for this purpose. The law requires that the factual and scientific records of autopsies be recorded on forms provided by the Division of Forensic Science rather than on forms provided by the Department of Health, as required under previous law. The state will bear the costs of investigations and autopsies in instances when the ME or the Attorney General has ordered them; the counties, however, will pay for investigations and autopsies ordered by Coroners or County Attorneys.

THE MONTANA BOARD OF FORENSIC SCIENCE

Objectives and Issues.

July 7, 1977

Montana Department of Justice Memorandum
Mike Greely, Attorney General

1. The Montana Forensic Science System Act (H.B. 461) outlines clear functions and responsibilities for the Board of Forensic Science. In many areas, the Act provides explicit guidance which the Board will find helpful in executing its most critical function -- establishing policy and procedures for a new Division of Forensic Science within the Department of Justice. In other areas, however, the law provides no guidance. The Board must therefore assume a wider scope of responsibility than explicitly provided by the Act, particularly in addressing those issues attendant to setting policy and procedures for the Division of Forensic Science.

The Department of Justice considers the Act a vitally important first step toward a productive forensic science system in Montana. The Legislature acted wisely and responsibly not only in recognizing the pressing need for such a system, but also in providing to the Board a useful measure of flexibility in determining policy and addressing issues. The Board can therefore deal with a wide range of important concerns not mentioned in the Act, and can prepare recommendations for changes in the Act should the need arise.

2. Objectives -- The most severe limitation confronting the Board in establishing a forensic science system lies in the Legislature's having appropriated no money for that purpose. In one very real sense, however, this constraint may contribute to realizing the assigned cause: first, there is sufficient time before the next legislative session for adequate planning and deliberation by the Board to fashion a proposal that meets Montana's needs; second, another legislative review of the need -- this time in terms of a specific, well-reasoned, proposal for funding -- will ensure a program that is both cost effective and responsive to the public.

Beyond the general objective of implementing the act to the maximum extent practicable, the Board must focus on specific objectives like appointing a state Medical Examiner and drafting operational policy for the Division of Forensic Science. In negotiating the "critical path" toward these objectives, other goals crystalize, several of which are clearly prerequisite to the Board's success.

- A. Obtaining expert consultation and testimony -- The Board must avail itself of the expertise offered by Montana's scientific and criminal justice communities as well as that which resides out of state. Relating other state's experience in forensic science systems to Montana's particular needs will serve the Board well in the area of formulating policy for the new division.
 - B. Proposing needed amendments to the Montana Forensic Science Act -- Inevitably, the Board will formulate policy decisions either by adding to or changing some features of the Act. The Board must solidify and draft such proposals well in advance of the next legislative session. The Department of Justice will supply the services of its Legal Services Division for this purpose.
 - C. Ensuring public information and involvement -- The best way to guarantee that the public interest is served through the Board's actions is to implement effective public information procedures. The Department of Justice will assist in every way to effect the Board's policy in this regard, and will aid in establishing procedures to respond to public inquiries and input.
 - D. Ensuring continual notification of the legislative branch -- The decisions and policies set forth by the Board will require legislative approval. Maintaining close contact with members of the Legislature may obviate last minute attempts to dispel controversies over elements of the Board's proposal. A close working relationship with the Legislature will generate actions and plans which are compatible with the Legislature's goals, and which are likely to receive legislative approval.
3. Issues -- Impossible as it is to compile a complete list of issues confronting the Board, the following items illustrate the nature and complexity of those issues:

- A. Organization of a state forensic science system -- The new law establishes within the Department of Justice a Division of Forensic Science; the Board must create within the Division a Laboratory of Criminalistics and an Office of Forensic Pathology.
1. The issue -- The Department of Justice currently operates an effective Crime Laboratory Bureau within the Division of Law Enforcement Services. The laboratory performs many services to Montana's law enforcement community including scientific analysis of substances in connection with criminal investigations and prosecutions. The Department of Justice recently expanded the Bureau to include operation of the Alcohol and Abused Substances Unit (DWI Lab) formerly operated by the Department of Health and Environmental Sciences. The Bureau supplies expert court testimony to prosecutors throughout the state in keeping with the Attorney General's philosophy in establishing a complete division to provide a full range of law enforcement services to local agencies. The Board of Forensic Science must determine whether and how to integrate the current Crime Laboratory Bureau into the new Division of Forensic Science without injuring its ability to provide critical law enforcement services.
- B. Compatibility of laboratory efforts -- The Act requires the Board to formulate policy both for the Laboratory of Criminalistics and the Office of Forensic Pathology under the auspices of a single division.
1. The issue -- Forensic medicine and forensic pathology generally deal with determination of causes and facts surrounding suspicious deaths. Laboratories of criminalistics, on the other hand, generally deal with a much broader spectrum of crime, and employ such diverse scientific disciplines as chemistry, ballistics, physics, spectroscopy and many others. While the emphasis of forensic pathology is on autopsies and post mortem examinations of specimens, crime labs emphasize scientific investigation of all kinds of crime. The Board must determine whether and how the Medical Examiner (a

forensic pathologist) can effectively administer a division whose responsibilities cover more than forensic pathology. The issue demands careful attention to providing to the ME the necessary administrative tools to accomplish a task which the Board must define. Beyond this, the Board must define clearly the extent of the new division's activities as they relate to the state's needs, ensuring that present scientific services to the law enforcement community do not suffer.

- C. Private medical practice for Medical Examiner and Associate Medical Examiners (Ame's) -- The Act allows AME's to maintain private practices during their service, but makes no mention of whether the ME can also maintain a private practice.

1. The issue -- The Board must determine whether the ME could maintain a private practice in view of public responsibilities.

- D. Duties and powers of the Medical Examiner -- In addition to the administrative duties of running the Division of Forensic Science, the Act requires the ME to assist and consult with law enforcement agencies and coroners, to testify in court as needed, to provide research into forensic pathology, and to conduct on-going education and training of coroners and law enforcement personnel. Certain sections of the Act advance other duties and powers such as keeping scientific records and ordering autopsies.

1. The issue -- Given the legislative intent to establish a state forensic science system and the implied mandate to adapt current procedures to such a system, the Board must decide the extent to which the ME can require local agencies to undertake the necessary adaptations. In this connection, the Board must determine whether the ME should have authority to initiate investigations, to establish mandatory training and education standards, and to supervise investigations.

CHAPTER I

MONTANA BOARD

OF

FORENSIC SCIENCE

THE MONTANA BOARD OF
FORENSIC SCIENCE

The establishment and composition of the Montana Board of Forensic Science was provided for in Section 82-432, R.C.M. 1947. This section specifically outlines the agency, professions and groups from which Board members were to be selected:

Section 6. There is a new R.C.M. section number 82-432 that reads as follows:

82-432. Board of forensic science -- establishment-composition. (1) The board of forensic science is established within the department of justice.

(2) There shall be 15 board members appointed by the attorney general.

(3) The board shall be representative of state and local governments and law enforcement agencies and the medical profession. It shall include:

(a) an incumbent mayor recommended by the Montana league of cities and towns;

(b) an incumbent county commissioner recommended by the Montana association of counties;

(c) a prosecutor recommended by the Montana association of county attorneys;

(d) the chairman of the peace officers' standards and training advisory council;

(e) an incumbent chief of police recommended by the Montana chiefs of police association;

(f) an incumbent sheriff recommended by the Montana sheriffs and peace officers association;

(g) a deputy sheriff recommended by the Montana sheriffs and peace officers association;

(h) a police officer recommended by the Montana police protective association;

(i) a member recommended by the chief of the Montana highway patrol;

(j) a member recommended by the director of the department of fish and game;

- (k) a member recommended by the attorney general;
- (l) a medical doctor;
- (m) a medical pathologist;
- (n) a member possessing a graduate degree in one of the forensic sciences; and
- (o) a county coroner recommended by the Montana coroners association.

Following are the names of those appointed to the Board membership. Their efforts in fullfilling the legislative mandate to establish the Division of Forensic Science are detailed in the following Report. Although comprehensive, the Report cannot begin to record the many hours of dedicated research and deliberation.

MONTANA JUSTICE PROJECT

1974-1976

The Montana Forensic Science System

In 1974, Governor Thomas L. Judge appointed the Montana Council on Criminal Justice Standards and Goals to identify ways to improve Montana's criminal justice system. Five task forces were established by the Council to research and draft standards and goals for review and adoption by the full Council. The task force report, The Montana Justice Project (1974-1976), supported the establishment of a Division of Forensic Science within Montana's Department of Justice. In justifying its recommendation the task force noted:

The State of Montana does not have the ability to perform the timely, efficient and complicated analysis of physical evidence which is becoming increasingly necessary in criminal investigations and court proceedings. This is the primary reason a division of forensic science is needed. In order to incorporate all the functions of a forensic science system under one roof so that continuity and efficiency are attained, a comprehensive organizational structure is required. The organizational structure best suited to Montana's governmental organization would be the creation of a division within a department rather than a fragmented or scattered board, advisory council or bureau.

The task force envisioned a Division of Forensic Science combining a Laboratory of Criminalistics and an Office of Forensic Pathology. Although distinct in their

functions, these elements would operate as a coordinate unit.

Criminalistics involves the analysis, identification, and interpretation of physical evidence found at a crime scene. The criminalist's primary aim is to provide an objective application of the natural and physical sciences to physical evidence in the reconstruction of events in order to solve a crime. W. Jack Cadman, Professor of Criminalistics at California State University, notes:

Within the limitations of the recognition, collection, and preservation of all possible available physical evidence, the crime laboratory can aid in the reconstruction of the crime and related incidents. When properly administered and utilized the crime laboratory can significantly contribute to the administration of justice.

Forensic pathology is principally concerned with the application of the science of medicine to the field of law. Specifically, the forensic pathologist deals primarily with the cause and manner of death. Of greatest concern are deaths resulting from homicide, suicide and accidents. In the following passage Irvin M. Sopher, Chief Medical Examiner for West Virginia and Clinical Professor of Pathology at West Virginia University, notes the importance of the pathologist's death examination:

The derivation of manner of death is important in that it serves as a guideline for other parties interested in any particular death. Police personnel are initially concerned as to manner of death as this designation determines the subsequent course of their investigation. The prosecuting attorney's office is concerned with

homicidal, accidental or suicidal deaths. Numerous industrial and government organizations may be interested in accidental deaths of various types in an effort to improve the man-environment relationship. Deaths classified as "natural" represent sources of data for local health agencies in their assessment of various epidemiologic aspects of disease.

The training and experience of the forensic pathologist lends itself to community medical and medicolegal problems. Jurisdictions operating without such a system are deprived of information pertinent to the community, the field of medicine, interested law enforcement agencies and the judiciary.

Criminalistics and forensic pathology are distinct in their functions. Their operation within a coordinated forensic science system, however, can enhance both the community and the criminal justice system. By upgrading Montana's capabilities in these areas, it is possible to realize improved community living standards as well as a more effective and equitable system of justice.

A Division of Forensic Science is a technical and complex extension of the criminal justice system. Among the forensic sciences are the fields of criminalistics, odontology, pathology and biology, physical anthropology, psychiatry, questioned documents and toxicology. The scope and complexity of these disciplines make the establishment of a forensic science system difficult. A concerted effort on the part of professionals both within and outside of the criminal justice system is required for success.

The task force thoroughly researched the various methods by which to establish a forensic science system, concluding that the only workable approach would be a temporary two-year Board of Forensic Science. The Board would include representatives of state and local law enforcement agencies, units of local government, physicians and legal professionals. The Board's immediate objectives would be to establish a Laboratory of Criminalistics and an Office of Pathology; to set procedures for hiring all necessary personnel; and to establish necessary policies and procedures for the operation of the Division of Forensic Science.

HOUSE BILL 461: "MONTANA FORENSIC SCIENCE SYSTEM ACT"

The Montana Board of Crime Control, in accordance with the standards and goals set by the Montana Justice Project, requested legislation to establish a Division of Forensic Science. The Forty-fifth Legislative Assembly answered with enactment of House Bill 461, which the Governor signed on April 29, 1977.

The purpose of House Bill 461, "Montana Forensic Science System Act", was to "provide the personnel, facilities and procedures to determine the cause of certain types of deaths by investigation and examination as are in the public interest; to analyze specimens for law enforcement

offices, and to provide reports, including court testimony, concerning such investigation, examination and analysis when in the public interest." In essence, House Bill 461 provided for timely and efficient investigation and analysis of crime-related evidence.

To meet the intended purpose of the "Montana Forensic Science System Act" (hereafter referred to as the Act), House Bill 461 created a Division of Forensic Science in the Department of Justice. Section 3 of the Act outlines its functions in terms of a Criminalistics Laboratory and an Office of Forensic Pathology.

House Bill 461 created a temporary Board of Forensic Science as the vehicle to establish the Division of Forensic Science. Section 5 of the Act directed the Board to achieve three major objectives:

1. Establish a Laboratory of Criminalisitics;
2. Establish policy and set all necessary procedures for the functioning of the Division;
and
3. Appoint a state medical examiner as the administrator of the Division.

The State Medical Examiner is to serve as administrator for the Forensic Science Division. He is charged with several duties as outlined in the Act. They are:

1. Provide assistance and consultation to associate medical examiners, coroners and law enforcement officers;

2. Provide court testimony when necessary;
3. Stimulate and direct research in the field of forensic pathology; and
4. Cooperate with the Montana Law Enforcement Academy in providing an ongoing educational and training program for associate medical examiners, coroners and law enforcement officers.

The Montana Justice Project, in its report, addresses the importance and utility of the training offered through the Medical Examiner:

One of the most important objectives of the office and the Chief Medical Examiner is to establish and maintain an ongoing educational and training program for coroners and law enforcement officers. It is essential that crime scene investigations, particularly in cases of homicide or other unattended death, receive specific training in this area. Although some training is provided through the Montana Law Enforcement Academy, it has not had the benefit of the expertise which would be provided by the Office of Forensic Pathology and the Laboratory of Criminalistics.

SUMMARY

The legislature clearly recognized the need for a Division of Forensic Science in Montana through the passage of House Bill 461. This decision provides the means for upgrading the capabilities and effectiveness of Montana's criminal justice system. In a broader sense it realizes the importance of meeting the medical and medicolegal needs of the community.

The Montana Board of Forensic Science has met on a monthly basis since October, 1977. Its objective has been to fulfill the legislative mandate to establish policy and procedures for a Division of Forensic Science within the Montana Justice Department. The Board has adopted recommendations which would make the Division of Forensic Science operational. Through careful planning and deliberation the Board has fashioned a system which is truly responsive to the needs of Montana.

The remainder of this report outlines in detail the discussions and recommendations of the Montana Board of Forensic Science. Careful attention is given to the substantive issues considered by the Board. The Board's resolutions on these issues are provided in full.

A major area of concern and a prominent feature of the following report is a funding proposal for the Division of Forensic Science. Since its inception the Board has worked toward a program that is both cost effective and responsive to the public.

CHAPTER II

MEETING RECORDS

MEMORANDA, SUMMARIES, AND MEETING RECORDS

The Board of Forensic Science maintained a detailed record of each meeting. The Meeting Records illuminate the issues and problems the Board confronted and disposed of. The formal resolutions which address these issues and problems appear in Chapter Three of this report.

Each Meeting Record appears after a memorandum and a summary report. The memorandum outlines the agenda of the meeting and the summary presents a synopsis of the issues the Board examined at the meeting. The Meeting Records and their corresponding memoranda and summaries are presented in chronological order, beginning with the Board's first meeting.

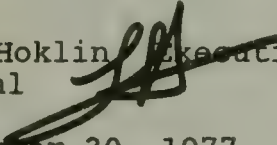
9 OCTOBER 1977

STATE
OF
MONTANA
ATTORNEY GENERAL
MIKE GREELY

STATE CAPITOL HELENA, MONTANA 59601 TELEPHONE (406) 449-2026

MEMORANDUM

TO: The Montana Board of Forensic Science

FROM: Lonn Hoklin  Executive Assistant to the Attorney General

DATE: September 30, 1977

RE: Suggested agenda for October 9 meeting of the Board

1. Informal discussions with various Board members and with the Attorney General resulted in the suggestions which follow, but the Board may amend this agenda or discard it in favor of another. Several Board members are unable to attend the initial meeting. We will, however, furnish a report on the proceedings to all Board members before the next meeting in whatever form the Board prescribes.

To expedite the proceedings of the initial meeting, the Attorney General has designated Bob Harvie (Chairman, Peace Officers Standards and Training Council) as the Acting Chairman of the Board of Forensic Science.

2. Proposed Agenda:

- A. 10:00 A.M., October 9--Acting Chairman calls the meeting to order and introduces the Attorney General who presents a brief description of the Board's responsibilities and mandates.
- B. Following the Attorney General's presentation, the Acting Chairman proposes an agenda for the meeting and entertains motions and discussions on how to proceed. Various members may offer considerations not included here, but nonetheless deserving of the Board's attention.
- C. Election of Officers--Chairman, Vice Chairman, Secretary/Treasurer.

- D. Appointment of Staff--Good staff work is critical to the Board's success. When selecting staff, the Board should consider the following needs:
1. Accurate recording of the proceedings of the Board and its various committees;
 2. Drafting reports, resolutions and legislation as the Board directs;
 3. Analytical research into scientific and managerial issues surrounding establishment of a state forensic science system;
 4. Logistical arrangements, e.g., meeting places, bringing in expert witnesses, out-of-state trips for Board members, etc.;
 5. The Board's correspondence;
 6. Media relations, e.g., public notification of Board meetings, news releases, etc.;
 7. Legislative liaison;
 8. Associated costs--the Attorney General has offered to the Board the services of his executive staff, the Legal Services Division of the Department of Justice, and the Crime Laboratory Bureau. The Board's use of these services would generate the following benefits:
 - a. Cost effectiveness--The Department of Justice would provide staff services without charge to the Board.
 - b. Potential federal grant match--The Board qualifies for a Law Enforcement Assistance Administration (LEAA) grant of \$25,000. Obtaining the grant requires a ten percent match (\$2,500) that can possibly be offset by staff salaries paid by the Department of Justice for time spent on staff work for the Board.
 - c. Productive liaison with the Department of Justice--Since the Board's statutory mission requires establishment of a new Division within the Department of Justice, the Board would clearly benefit from administrative insight available through the Attorney General's staff. Moreover, such a staff could carry out

its Board-related responsibilities in the course of its other duties: technical research and consultations, for example, fall naturally into the realm of the Crime Lab Bureau; legislative drafting and legal consultations fall to the Legal Services Division; management research and issues, media relations, legislative liaison, and staff coordination fall to the Attorney General's executive staff.

- E. Adoption of Rules--The Board may want to adopt formally such rules as relate to parliamentary procedure, attendance policy, proxies, etc. An alternative is to direct the staff to propose such rules for the Board's consideration at a subsequent meeting, or to appoint a committee for the same purpose.
- F. Committee Selection--Because of the Board's size and the scope of its mission, it may want to designate committees to focus on particular issues. The Board's mandate falls into several basic areas (see Department of Justice Memos: H.B. 461, "Montana Forensic Science System Act," July 5, 1977; and, The Montana Board of Forensic Science: Objectives and Issues, July 5, 1977).
 - 1. Establishing policies and procedures for a Division of Forensic Science within the Department of Justice.
 - 2. Selecting a State Medical Examiner.
 - 3. Selecting a site and establishing physical plant priorities for the new Division.

The Board may wish to select standing committees to address each of these areas. The Board should recognize, however, that its mission involves additional activities such as legislative liaison and drafting needed amendments to the Forensic Science System Act. It is also likely that the three areas suggested above fall into a natural progression, and that the Board must take care of them in a logical order. Selecting a Medical Examiner, for example, may require that policies and procedures for the Division already be in place. The same may be true

for selecting a site and deciding on the Division physical plant. The Board may wish to establish a timetable with target dates for completing its considerations of these three areas.

- G. Adoption of a Meeting Schedule--If, for example, the Board decides to meet quarterly, there will be only seven full Board meetings before the Act expires on July 1, 1979. The Board must determine whether it can realistically meet its objectives in seven sessions. Meeting bimonthly would increase the number of full sessions to eleven. Meeting every month increases the number to twenty-two.

A major consideration is the beginning of the legislative session in January of 1979. The Attorney General hopes that Board can formulate legislative proposals for authorization and funding well before the Legislature convenes so that legislators have adequate time to digest and analyze those proposals. Meeting quarterly, the Board would hold only four more sessions before the Legislature convenes. Bimonthly meetings raises the number to seven, whereas monthly meetings raises it to fourteen.

MEETING RECORD

October 9, 1978

A SUMMARY REPORT

Attorney General Mike Greely opened the Board's first meeting with a short presentation. His remarks stressed the Board's autonomy within the guidelines of House Bill 461 (Forensic Science System Act). Greely noted the Board could better deal with issues and concerns not mentioned in the Act if it functioned as an independent body. Furthermore, the Board would be in a position to recommend changes in the Act should the need arise.

Dr. Pfaff, newly elected chairman of the Board, outlined the Board's functions. They are:

1. Appoint a Medical Examiner;
2. Establish a Division of Forensic Science within the Department of Justice;
3. Establish rules and procedures for the Division.

The Board's work on the above priorities was divided among three committees: personnel resources necessary for the Division; physical resources necessary for the Division; and basic operational planning for the Division.

Lonn Hoklin, newly appointed Administrator for the Board, addressed the necessity of determining the needs of the Division. Once established, the needs are to form the basis for selecting a Division site. The necessity of formulating a funding proposal for the Division that is acceptable to both the public and the legislature was further emphasized.

MONTANA BOARD OF FORENSIC SCIENCE

Initial Meeting Record

October 9, 1977

Acting Chairman Robert A. Harvie called the Montana Board of Forensic Science to order on Sunday, 10:00 A.M., in the conference room of the Montana Board of Crime Control in Helena, Montana.

Attending Board members were:

Dr. Newman
Mickey Nelson
Wally Schumacher
Ray Lynch
Bob Harvie
Fritz Behr
Dr. Pfaff
Bob Griffith
Dale Dye
Joseph Lee
Bill Brinkel
Bob Chesterfield
Don White

Jack Sampson attended the meeting in place of Gene Kiser.

Mr. Harvie introduced Mike Greely, Attorney General, who delivered a presentation. Mr. Greely thanked the Board members for accepting their appointments and promised support from the Department of Justice. He strongly suggested that the members seek input from the organizations which they represent. He asserted that the Board is autonomous within its statutory guidelines. He emphasized that the Board must prepare and present a comprehensive package to the Legislature in 1979.

Mr. Harvie introduced Lonn Hoklin, Executive Assistant to the Attorney General, who asked Board members to sign Oath of Office forms for filing with the Secretary of State.

Mr. Hoklin then introduced Sharon Wolfe, research assistant to the Board, Sheila O'Loughlin, recording secretary for the Board, and Arnold Melnikoff, Chief of the Crime Laboratory Bureau, Department of Justice. Mr. Hoklin expressed the willingness of the Department of Justice to supply staff members and all necessary clerical support for the Board. The Board expressed its desire to avail itself of this support.

Mr. Harvie called for election of officers.

The Board elected Dr. Pfaff Chairman of the Board, Robert Harvie Vice-Chairman, and Mickey Nelson Secretary/Treasurer. Dr. Pfaff assumed the Chairmanship and reported to the Board that they had a budget of \$25,000 for the next two years. He stated that the Board's basic functions delineated by H.B. 461 are:

- I. Appoint a Medical Examiner;
- II. Establish a Division of Forensic Science within the Department of Justice;
- III. Establish rules and procedures for the Division.

Lonn Hoklin discussed various statutory goals of the Board and examined a number of procedural alternatives toward achieving those goals. He explained that finding a site for the Division of Forensic Science depends on what the Division needs, and that the Board must determine what those needs are. He emphasized that the envisioned Division cannot materialize unless the Board convinces the Legislature to supply funding.

Dr. Pfaff opened the floor to discussion on the Board's priorities.

Dale Dye stressed the importance of apprising the represented organizations of the Board's findings and actions. Fritz Behr suggested that the Board's progress be incorporated into Montana Justice, a quarterly publication soon to be issued by the Department of Justice to all law enforcement agencies.

Don White suggested that each Board member report back to his constituent organization.

There was general agreement on the importance of informing legislators of the Board's progress on a regular basis. Sharon Wolfe suggested that this be done by having a Board and/or staff member present at Legislative interim committees to deliver presentations.

The Board discussed physical resources necessary for the Division laboratory in terms of those Montana now has and may need. A suggestion was made to establish a committee to study this priority and to consider what kind of services the lab should provide. Dr. Pfaff suggested two information resources: the National Association of Medical Examiners and the American Academy of Forensic Sciences. He stressed that accreditation of the new division is important, and that the Board should compare Montana statutes with those of other states.

The Board discussed the possible shortcomings of H.B. 461, and agreed that research is in order to identify its conflicts with other aspects of Montana law.

The Board discussed appointing a committee to decide the qualifications, availability and financial resources available for a Medical Examiner and a Laboratory Director.

The Board discussed establishing a Legislative Committee to conduct on-going liaison with legislators.

Dr. Pfaff suggested that the Board designate a person to maintain contact with the media on behalf of the Board. Mr. Greely offered the services of his office, stating that Lonh Hoklin has experience in this field. The Board agreed that Mr. Hoklin would be its liaison with the news media, and that each member coordinate with Mr. Hoklin in providing names of persons to contact in their respective localities.

The Board considered establishing rules and regulations for the Division of Forensic Science, and decided that answers must be found to the following questions:

- 1) What authority will the Medical Examiner and Laboratory Director have?
- 2) How will jurisdictions be defined?
- 3) Who will have access to the lab?
- 4) How will laboratory fees be determined?

Chairman Pfaff called the meeting to order at 1:30 P.M. following a recess for lunch, and distributed three handouts to the Board:

- 1) The Montana Justice Project
- 2) Law Enforcement--Montana Justice Project
- 3) Assessment of the Personnel of the Forensic Science Profession

Dr. Pfaff informed the Board that in the future, the staff will distribute agendas before each meeting.

Chairman Pfaff outlined three categories and distributed committee preference checklists to the Board members. The categories reflected the Board's earlier discussions with respect to priorities:

- 1) Personnel resources necessary for the Division of Forensic Science;
- 2) Physical resources necessary for the Division of Forensic Science;
- 3) Basic operational planning for the Division of Forensic Science.

The Board agreed that appointment of public relations and legislative liaison committees should be deferred.

The Board discussed frequency, time and location of Board meetings and agreed to hold most meetings in Helena. A suggestion was made to hold one Board meeting in Missoula and one meeting in Bozeman, enabling the Board members to inspect the State Crime Laboratory and the Law Enforcement Academy.

Lonn Hoklin offered the library in the Attorney General's office for committee meetings and Board meetings. Fritz Behr offered a room in his office (1437 Helena Avenue) for committee meetings.

Board members agreed to hold committee meetings in the morning and Board meetings at 1:00 P.M., the same day; to meet once a month, the last Wednesday of each month; that Dr. Pfaff will maintain liaison with the Montana Board of Crime Control, which normally meets the last Thursday and Friday of each month.

Chairman Pfaff stressed the importance of complete attendance by all Board members to these meetings. He stated that written voting proxies may be necessary in the absence of appointed members. Board members agreed that proxies should have the same qualifications as appointed members and be representatives of the same organization.

It was moved, seconded and passed to hold the next Board meeting November 30, at 1:00 P.M., the last Wednesday in November.

Each committee chairman will be responsible for scheduling their committee meetings.

Lonn Hoklin agreed to furnish a complete mailing list and phone numbers to members.

Chairman Pfaff then informed the Board of the per diem rates allowed:

15¢ per mile
\$18.00 lodging per night
\$10.00 food per day

Board members were told to keep receipts of their lodging and attach the receipts to their travel vouchers.

Chairman Pfaff then informed the Board that all committee assignments will be made and the Board members advised within a week.

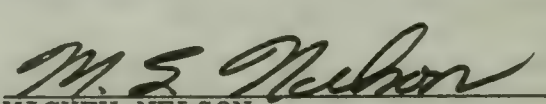
Lonn Hoklin offered to issue a press release on the Board's first meeting. The Board accepted his offer.

The meeting adjourned at 2:00 P.M.

Respectfully submitted,



DR. JOHN PFAFF
Chairman



MICKEY NELSON
Secretary/Treasurer

25 JANUARY 1978

MEMORANDUM

DATE: January 19, 1978
TO: Montana Board of Forensic Science
FROM: Lonn Hoklin, Administrator
RE: January 25 Meeting of Board and Committees

Since the last Board meeting was cancelled because of weather, the January meeting will deal with generally the same agenda.

1. Committee meetings: According to their chairmen, the three committees will convene separately on the morning of Wednesday, January 25, at the following times and locations:

A. Personnel Resources Committee (Mickey Nelson, Chairman): 9:00 a.m., small conference room, MBCC (downstairs), 1336 Helena Avenue. Following a brief "get acquainted" meeting, the committee plans to join the Physical Resources Committee for a joint meeting.

B. Physical Resources Committee (Fritz Behr, Chairman): 9:30 a.m., Law Enforcement Services Division conference room, 1437 Helena Avenue. The joint committee meeting with Personnel Resources Committee will feature a discussion with Arnold Melnikoff, Chief of the Crime Laboratory Bureau, Department of Justice.

C. Basic Operations and Planning Committee (Don White, Chairman): 10:00 a.m., main conference room, MBCC, 1336 Helena Avenue.

If there are any questions or changes, check with Sharon Wolfe, Attorney General's office (449-2026).

2. Agendas for committee meetings: The following are the suggestions of Chairman John Pfaff based on discussions by the full Board at its last meeting:

A. Personnel Resources Committee (Mickey Nelson, Chairman):

i. Define objectives and establish tentative timetable and methods for reaching those objectives.

ii. Review the publication Assessment of the Personnel of the Forensic Science Profession with an eye to underscoring that information which is useful to the Board in eventual personnel selection, and eliminating irrelevant information.

iii. Establish means of determining minimum qualifications and remuneration for the Laboratory Director and the Medical Examiner.

B. Physical Resources Committee (Fritz Behr, Chairman):

i. Define objectives and establish tentative timetable and methods for reaching those objectives.

ii. Determine means of arriving at standards and requirement for the site of the Division of Forensic Science physical plant.

iii. Establish means for setting the scope of activity, ballistics, hematology, etc., and resultant physical requirements (equipment, floor space, etc.) of the Division of Forensic Science.

iv. Develop methods for determining maximum allowable construction, operating and maintenance costs associated with physical plant.

C. Basic Operations and Planning Committee (Don White, Chairman):

i. Define objectives and establish tentative timetable and methods for reaching those objectives.

ii. Begin analysis of possible deficiencies of H.B. 461, Montana Forensic Science System Act, as they relate to duties, responsibilities and authority of the Medical Examiner and coroners.

iii. Begin analysis of Montana Administrative Code procedures for issuance of rules and regulations.

iv. Begin analysis of mandated objectives in H.B. 461 toward actual policy decisions by the full Board; an example is the education requirement Section which provides for on-going "education and training" in the forensic sciences for coroners and Associate Medical Examiners.

Should the Board divide the state into districts to accomplish this objective? This is a policy decision for the Committee to consider.

v. Establish a means for ensuring close communication and coordination with the other two committess inasmuch as their activities and decisions rely heavily on the findings and recommendations of the Basic Operations and Planning Committee.

3. Full Board meeting agenda (1:00 p.m.) Main Conference Room, MBCC, 1336 Helena Avenue.

A. Call to Order (welcome new member).

B. Presentation of previous Meeting Record by Secretary/Treasurer Mickey Nelson.

C. Staff report on:

- i. Resolutions, Meeting Records.
- ii. Filing system.
- iii. Proxies and legislative mandate.
- iv. Message from Attorney General on the location of the Montana Law Enforcement Academy Bureau.
- v. Discussion of Board's budget.

D. Don Crabbe, Chief, Grant Administration Bureau, Crime Control Division, Department of Justice, will be on hand to answer any questions regarding the mechanics of operating under a federal grant program.

E. Committee Reports and discussion.

F. Establishment of a Coordinating Committee to help administer Board funds.

G. Meeting schedule for 1978.

4. The new Board member replacing Joe Lee of Butte is:

Don Hellman
Assistant Chief of Police
504 Sylvan Drive
Kalispell, Montana 59901
(Office) 755-2121
(Home) 257-3975

Committee: Physical Resources

5. Board members should bring with them to the next meeting:

A. All previously issued material.

B. The names and addresses of news media contacts in their respective areas.

Neither rain nor snow nor dark of night will keep the MBFS from its appointed duties!!

MEETING RECORD

January 25, 1978

A SUMMARY REPORT

Lonn Hoklin opened the Board's second meeting by reading a portion of the Attorney General's October 28, 1977 presentation to the Board of Regents. The statements emphasized the Attorney General's desire to avoid any decision that would limit the Board's deliberations as to location of the forensic science facility.

Arnold Melnikoff, Bureau Chief for the Missoula crime lab, gave a presentation to the joint committee meeting. The presentation concerned the present capabilities, resources, and equipment of the crime lab. Melnikoff's report focused on the need for additional space and personnel if a full service crime laboratory capable of providing required services at a minimum cost expenditure is to be established.

Early discussion focused on the role of a Medical Examiner in a Division of Forensic Science. Examination of coroner qualifications and salaries and whether the coroner system would be retained under a medical examiner system was of further interest. These issues were resolved in later meetings.

Chairman Pfaff sought a consensus of the Board as to whether there should be one laboratory or two separate locations, i.e., a location for the lab and one for the pathology office. At present, combining criminalistics and pathology under one roof appeared to be the most practical solution.

The Board was advised that a critical review of House Bill 461 for any incongruous portions should be conducted. Further consideration would be given to alternative organizational structures.

MONTANA BOARD OF FORENSIC SCIENCE

Meeting Record

January 25, 1978

Chairman Pfaff called the Montana Board of Forensic Science to order on Wednesday, 1:00 P.M., in the conference room of the Montana Board of Crime Control, Helena, Montana.

Attending Board members were:

Ray Lynch
Wally Schumacher
John Jutila
Robert Harvie
Bob Griffith
Dale Dye
Gene Kiser
Don Hellman
Mickey Nelson
John Pfaff
Fritz Behr
John Newman
Don White

J. E. Jordan and Arnold Melnikoff, Chief, Criminal Investigation Laboratory, were also in attendance.

Chairman Pfaff introduced the new Board member, Don Hellman, who replaced Joe Lee. Mr. Hellman is an Assistant Chief of Police in Kalispell.

The meeting record of the initial Montana Board of Forensic Science meeting was approved.

Fritz Behr distributed to each member of the Board two memos--one from Vincent J. M. DiMaio, M.D., Southwestern Institute of Forensic Sciences at Dallas; the other from Arnold Melnikoff. These memoranda are attached to the minutes. Fritz also distributed copies of "The Office of the Chief Medical Examiner: Procedures Manual" by Wm. Golden, to each member of the Basic Operations and Planning Committee.

Lonn Hoklin explained the new procedure for the meeting record:

The staff will record significant Board actions as numerically ordered resolutions. The record will not distinguish between resolutions and motions, but will generally interpret nonroutine motions, i.e., those of a substantive nature, as resolutions. Resolutions will appear in the record as follows (an example):

Resolution #1 (date)

Short title (discloses subject)

Offered by Dale Dye
Seconded by Robert Harvie

Explanation (language within the motion, e.g., "Resolved that the Board of Forensic Science hire competent staff.")

Discussion (abstract of Board members' views, questions, and observations)

Disposition: Adopted or Rejected

Dissenting votes: (listed if requested by dissenting members)

Sharol Wolfe explained the filing system that has been set up for the Board.

Chairman Pfaff emphasized the importance of the Board members informing Lonn Hoklin of news media contacts in their areas.

Proxies may be used by notifying the staff, who will have forms available. One form will be mailed to the requesting member and must be signed and notarized. These forms will be needed only when a person substituting for a member is allowed to vote. Attendance and the quasi-legislative makeup of the Board in enacting rules and procedures were stressed by both Lonn Hoklin and Dr. Pfaff. Dr. Pfaff also stressed that proxies must be handled in a legal method for recording purposes, since this is a legislative body.

A portion of the Attorney General's presentation of October 28, 1977 to the Board of Regents regarding the location of the Montana Law Enforcement Academy was read to the Board by Lonn Hoklin. These statements made clear that the Attorney General did not want to make any decision that would limit the Montana Board of Forensic Science in their deliberations as to incorporation or location of the forensic science division facility.

Lonn Hoklin explained the breakdown of the grant, using the following figures:

Consultant Services	\$ 4,665.
Travel and Per Diem	
In State	15,675.12
Out of State	2,610.
Operating Expenses	
Telephone	360.
Postage	75.
Stationery	50.
Publication of Final Report	1,500.
	<u>\$24,985.12</u>

Lonn encouraged Board members whenever possible to share travel, or not stay overnight when attending out-of-town meetings.

Dr. Pfaff encouraged members to visit forensic facilities whenever in the vicinity of such a facility. Chairman Pfaff, Fritz Behr and perhaps other members or staff could help arrange access.

Upon motion made by Mickey Nelson, seconded by Dale Dye and unanimously carried, a coordinating committee was named, composed of Chairman Pfaff, Don White, Mickey Nelson, Fritz Behr and Lonn Hoklin. This committee is charged with helping make decisions on dispensing funds available to the Board and coordinating costs for consultants.

The next item on the agenda was committee reports and discussions.

Arnold Melnikoff gave a presentation during the morning to a joint committee meeting.

Mickey Nelson, Chairman of the Personnel Resources Committee, stated that the committee spent the initial part of the morning getting acquainted with each other. They discussed the question of who will be doing the Medical Examiner's work. Mickey stated that the committee discussed the qualifications and salaries of coroners and whether the coroner system will be retained. He stated that the committee would have firm resolutions by the next Board meeting.

Discussion following the committee reports centered on the idea of looking into training of coroners through the Montana Law Enforcement Academy.

At this time, the discussion turned to the subject of coordination of committees. It was agreed that committee chairmen should communicate between meetings and as time goes on perhaps methods of handling this problem will emerge.

Fritz Behr reported that the Physical Resources Committee wanted to get the consensus of the entire Board as to whether there should be one laboratory or two separate locations. At this time, combining criminalistics and pathology under one roof seemed the most practical solution. Mr. Behr asked the Board to be thinking about the administrative organization of the division.

Chairman Don White reported that the Basic Operations and Planning Committee, individually, prior to the next meeting will read HB 461 critically. Sharon Wolfe was requested to supply the committee with copies of the present Montana statutes governing coroners and to look into the question of Montana Administrative Codes and their publication by the Board. The Committee had discussed who should have the authority to order an autopsy. Making rules and regulations as to how this division will work will have to wait somewhat for information from the other two committees.

Bob Harvie suggested watching for incongruous portions of HB 461 and considering alternative organization structure. He asked if this would infringe on another committee. Chairman Pfaff pointed out there are no restrictions on any committee as to what it may discuss and stressed that this is the informative stage of the Board's deliberations, that this might be the best time for some expert consultation and a good time to check with other states.

Arnold Melnikoff offered to provide information he has on other states' job descriptions and salary schedules.

Don White requested that Sharon Wolfe obtain existing legislation from other states and John Jutila suggested all Western states. The possibility of a questionnaire to all Attorneys General was discussed.

In response to a question from Mickey Nelson, Dr. Pfaff stated that all Board meetings are open to the public, since public funds are involved. Mailing to other persons is not possible due to expense.

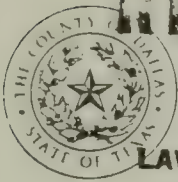
The meeting schedule, as outlined in the memorandum of October 11, 1977, was discussed. The May 31st meeting was rescheduled for May 24. The December 27th meeting was left open for consideration at a later date.

The meeting adjourned at 2:35 p.m.

Respectfully submitted,

John Pfaff
FOK DR. JOHN PFAFF
Chairman

Mickey Nelson
MICKEY NELSON
Secretary/Treasurer



RECEIVED

JAN 3 1978

LAW ENFORCEMENT
SERVICES

SOUTHWESTERN

INSTITUTE OF FORENSIC SCIENCES

AT DALLAS

5230 Medical Center Drive

Dallas Texas 75235

TELEPHONE 638-113

AREA CODE 214

REPLY TO:

P.O. BOX 35728

Office of the Medical Examiner

December 27, 1977

Mr. Fritz O. Behr
Administrator
Law Enforcement Services Division
1437 Helena Ave.
Helena, Montana 59601

Dear Fritz:

I am in receipt of your letter of December 13, 1977. If there is any way I can be of aid to you, please feel free to contact me. Perhaps you might be interested in seeing our Institute prior to setting up your Division of Forensic Sciences.

Warmest personal regards.

Sincerely yours,

Vincent J.M. DiMaio, M.D.

VJMD/aw

22 FEBRUARY 1978

STATE
OF
MONTANA
ATTORNEY GENERAL
MIKE GREELY

STATE CAPITOL, HELENA, MONTANA 59601 TELEPHONE (406) 449-2026

MEMORANDUM

DATE: February 15, 1978

TO: Montana Board of Forensic Science

FROM: Sharon Wolfe, Assistant Administrator, *SW*

RE: February 22 Meeting of Board and Committees

1. In the absence of Chairman Pfaff who must be out of state for the upcoming meeting, Vice Chairman Bob Harvie will chair the meeting. Lonn Hoklin is out of state on a short-term leave of absence.

As you may have read, the Montana Board of Crime Control approved the Forensic Science grant at its last meeting. Procedures are being completed to obtain the funds.

2. Committee meetings: The committee chairmen have determined that the most workable method is for the three committees to have a uniform meeting time and standard location for their meetings. Unless there is a need to vary, each committee meeting from this date on will convene at 9:30 a.m. and will be held at the following locations:
 - A. Personnel Resources Committee -- Montana Board of Crime Control downstairs conference room, 1336 Helena Avenue.
 - B. Physical Resources Committee -- Law Enforcement Services Divison, 1437 Helena Avenue.
 - C. Basic Operations and Planning Committee -- Montana Board of Crime Control main conference room, 1336 Helena Avenue.
3. Committee objectives: Each committee is requested to present to the full Board at the afternoon segment of the meeting a written list of objectives. These should be in order by priority and should show projected dates

of accomplishment. Of course, the cost factor will have to be taken with the possibility of cutbacks kept in mind.

Please refer to the January 13, 1978 memo to the Board for suggested topics.

4. Recommended order of priorities of the full Board, with timetable: Please be prepared to discuss and finalize the following schedule during the afternoon meeting:

<u>General Topics</u>	<u>Reporting Date</u>	<u>Reporting Committee</u>
A. Equipment (both minimum necessary and maximum desirable); necessity for and availability of support resources for the lab and forensic facilities. Requirements of physical plant	March 29	Physical Res.
B. Proposed options for administrative structure; analysis of objectives mandated in House Bill 461; districting.	April 26	Basic Op. & Plan
C. Personnel qualifications, salaries, training, etc. for the lab, the M.E., Associate M.E.'s and coroners	May 24	Personnel Res.
D. Basic operations of the Forensic Division; suggested amendments to H.B. 461; composition of Montana Administrative Code material.	June 28	Basic Op. & Plan

The Board's main function throughout these deliberations is to answer the question, "Do the objectives, as submitted by the committees and determined by the Board accomplish the purposes of the Board as established?"

5. The 1978 meeting dates are attached on a separate page for your convenience.

6. Full Board Meeting Agenda (1:00 p.m.) Main Conference Room Montana Board of Crime Control, 1336 Helena Avenue.
 - A. Call to Order
 - B. Presentation of previous meeting record by Secretary/ Treasurer Mickey Nelson.
 - C. Staff Report:
 - i. Methods of keeping complete central records.
 - ii. Travel claims.
 - iii. Resource material.
 - D. Committee reports and discussion.
 - E. Order of Board's priorities and time schedule.
7. Be sure to bring with you all previously issued material. We will have three ring binders for you.

MEETING RECORD

February 22, 1978

A SUMMARY REPORT

Discussion centered on the possible retention of the coroner system. The Board stressed its intent to maintain local control by retaining the coroner concept. The Board did suggest that additional standards designed at upgrading the coroner system be established.

The question as to who can perform autopsies was prompted by a possible discrepancy in House Bill 461 on this matter. The issue was resolved by reference to section 69-5104, R.C.M. 1947, which states that any licensed physician may perform an autopsy. House Bill 461 requires the services of a forensic system to be provided in civil cases. The Board did see the possibility of a Medical Examiner becoming involved in such instances. They concluded the crime lab should avoid such cases when possible. Of further concern was the use of the crime lab by the defense counsel. The concern centered on the possibility of frivolous use of such services by the defense. It was suggested that if the defense counsel were to use the services it should be by court order. The Board considered both of these issues worthy of future attention and discussion.

The meeting closed with the suggestion that the Board consider possible methods of funding the Division of Forensic Science. Obtaining general funds for the Division would be extremely difficult, necessitating the need for a coordinated effort on the part of the Board and their respective constituencies in arriving at a suitable and effective funding proposal.

MONTANA BOARD OF FORENSIC SCIENCE

Meeting Record

February 22, 1978

Vice Chairman Bob Harvie called the Montana Board of Forensic Science to order on Wednesday, February 22, 1978, at 1:00 P.M., in the conference room of the Montana Board of Crime Control, Helena, Montana.

Attending Board members were:

Bill Brinkel
Fritz Behr
John Newman
Don White
Ray Lynch
Don Hellman
Dale Dye
Wally Schumacher
Bob Chesterfield
Mickey Nelson
Bob Harvie

Arnold Melnikoff, Chief, Criminal Investigation Laboratory, was also in attendance. Absent were Chairman Pfaff, John Jutila, Gene Kiser and Bob Griffith. Jack Williams, Helena Chief of Police, substituted for Gene Kiser during the morning committee meeting.

Vice Chairman Harvie introduced Mike McGrath, Assistant Attorney General and staff attorney to the Board.

Bob Harvie presented the January meeting record to the Board. Fritz Behr asked that page three, paragraph six, be supplemented to show that the presentation by Arnold Melnikoff was "during the morning to a joint committee 'concerning present capabilities, resources and equipment available at the Criminal Investigation Laboratory in Missoula."

Dr. Newman moved to accept the record as amended, Fritz Behr seconded, and the motion was unanimously carried.

Sheila O'Loughlin distributed travel claims forms, questionnaires, travel reimbursement warrants, three-ring binders and index tabs.

Sharon Wolfe stressed the importance of centralized files and asked each member to send a carbon or photo copy of all correspondence involving Board business to the Attorney General's office. She reported on her efforts to obtain

comparative legislation and operational procedures of other states and advised that a copy of "Death Investigation: An Analysis of Laws and Policies of the United States, Each State and Jurisdiction" has been ordered for each member and will be mailed immediately upon receipt. The fiscal note to HB 461 as well as a list of possible expert consultants was made available to the members.

Mike McGrath explained the history of HB 461 to the Board.

Dale Dye provided a list of statutory coroner's duties for each member

Committee reports and discussions:

Mickey Nelson, Chairman, Personnel Resources Committee, reported this committee met jointly with Physical Resources Committee and were presented with a report to the Board by Arnold Melnikoff setting forth a proposal to expand the present crime lab (copy attached). Mr. Nelson recommended staying within the framework of HB 461. He explained that establishing two death investigators per judicial district, including mileage, vehicles with cots, salaries and fringe benefits would cost close to one million dollars. This would not include being on call or extra work. He also mentioned that a full medical examiner system, without coroners, would involve the state paying all costs and questioned if the state could afford it.

Mr. Nelson recommended that if the county system is going to be retained, standards should be set for coroners. The question was raised as to what extent the Board might be legally able to set standards for an elected official. Mr. Nelson stressed the salary level of coroners must be raised. He suggested that Mike McGrath prepare a draft of what might be necessary for a county-level death investigator.

Dale Dye asked the members to take a look at the present authority and responsibility of coroners and moved that the Board go on record as retaining the concept of the coroner system. This was seconded by Mickey Nelson and, following discussion and an explanation by Mike McGrath of the present duties of coroners, unanimously carried. The Board stressed its intent to retain local control through the retention of the coroner concept, even if in a slightly differing form or by setting additional standards.

The Physical Resources Committee report began with Fritz Behr asking that the title of Arnold Melnikoff's report include the words "Basic, Routine" Full-Service Crime Laboratory.... He stated that the last two pages of the report listed some additional expensive equipment that is not critical at this time. The report recommended adding

five persons to the staff for the Criminal Investigation Laboratory: (1) firearm and tool mark examiner; (2) questioned document examiner; (3) forensic serologist; (4) forensic microanalyst; and (5) secretary/ evidence technician. Mr. Behr noted that this would cover well-rounded services to law enforcement, including suspicious deaths but that nothing in the report includes pathology. He stated that this committee plans to meet with pathologists and other interested board members to obtain similar information regarding pathologists and medical examiners.

Mr. Behr thanked Arnold Melnikoff on behalf of the Board for the invaluable help and expertise he has provided to them.

Don White, Chairman Basic Operation and Planning Committee, stated that Mike McGrath reviewed HB 461 and amendments which were prepared during the last legislative session but not introduced due to the time element involved.

Don White stated that his committee would be prepared by the next meeting to submit proposed amendments to HB 461.

During discussion, §§95-801 and 95-802, R.C.M. 1947, were mentioned because, since there is no medical examiner and no forms available from the Forensic Science Division, they cannot be complied with. It was decided that this was not really a problem but that the bill did contain a possible conflict relating to who can perform autopsies. However, Mike McGrath explained that §69-5104 had not been repealed and that it provides that any licensed physician may do this.

Fritz Behr asked if minutes of the committee meetings were necessary. Sharon Wolfe explained that the oral committee reports to the full Board in addition to any motions or resolutions from a committee to the Board should suffice, unless a committee decided that a typed committee report was necessary. The Board agreed.

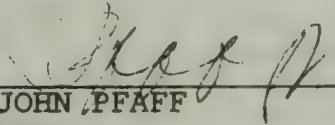
Arnold Melnikoff questioned whether HB 461 requires work to be done on civil cases. The Board decided that, while the medical examiner might have to become more involved in this, the crime laboratory would try to avoid this as much as possible. Don White pointed out that the Basic Operations Committee was looking into this and also into the availability of these services to defense counsel. It was suggested that, if defense counsel could use the services, only by court order, frivolous use might be avoided.

Vice Chairman Harvie explained the reasoning behind setting the priorities and timetable in the February 15 memorandum to the Board and asked for input. Wally Schumacher asked the staff to prepare a flow chart of objectives, methods and time schedules.

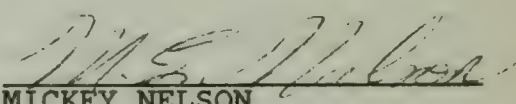
Sharon Wolfe suggested that the Board consider possible methods of funding the Forensic Science Division, explained the procedures used through the Department of Justice in applying for funding and pointed out that it will be very difficult to obtain money from the State general fund to support the division. Discussion of funding followed and Mike McGrath suggested the Board members' representative groups be contacted for ideas and continued involvement. He stressed that a well coordinated statewide effort is imperative to funding the division.

Upon motion made by Don White, seconded by Dale Dye and carried, the meeting adjourned at 2:30 p.m.

Respectfully submitted,



DR. JOHN PFAFF
Chairman



MICKEY NELSON
Secretary/Treasurer

EDITORS NOTE: Mr. Melnikoff's Report can be located in
Chapter 5

29 MARCH 1978

STATE
OF
MONTANA
ATTORNEY GENERAL
MIKE GREELY

STATE CAPITOL BUILDING, HELENA, MONTANA 59601 TELEPHONE (406) 449-2026

MEMORANDUM

DATE: March 20, 1978
TO: Montana Board of Forensic Science
FROM: Sharon Wolfe, Assistant Administrator *SW*
RE: March 29 Meeting of Board and Committees

1. Committee Meetings: Standard time (9:30 a.m.) and places, as follows:
 - A. Personnel Resources Committee -- Montana Board of Crime Control downstairs conference room, 1336 Helena Avenue.
 - B. Physical Resources Committee -- Law Enforcement Services Division, 1437 Helena Avenue.
 - C. Basic Operations and Planning Committee -- Montana Board of Crime Control main conference room, 1336 Helena Avenue.
2. Record of February 22 meeting enclosed.
3. Please note that in the Death Investigation publication which was mailed to each of you, the information given for Montana is outdated as it does not include the statutes in effect since HB 461 was passed. Also, page 119 lists the ten states which have combined State ME and County Coroner systems.
4. Reimbursement for travel expenses is being mailed directly from the Auditor's office. Those of you who turned in claims for the last meeting should receive checks by the end of this week.
5. Full Board Meeting Agenda -- (1:00 p.m.) main conference room, Montana Board of Crime Control, 1336 Helena Avenue.
 - A. Call to Order.

- B. Presentation of previous meeting record by Secretary/Treasurer Mickey Nelson.
- C. Staff Report:
 - i. Travel Claims made available;
 - ii. Response to request that staff prepare a draft of what might be necessary for a county-level death investigator;
 - iii. Flow chart for Board's objectives.
- D. Other old business.
- E. Committee reports.
- F. Discussion of funding requests by other state laboratories.
- G. Question of morticians sending ex-officio member to board meeting.

MEETING RECORD

March 29, 1978

A SUMMARY REPORT

Initial discussion focused on the physical requirements of the pathology segment of the Division of Forensic Science. Two alternatives were suggested for carrying out the duties of the State Medical Examiner.

1. Alternative One: Bodies and specimens requiring scientific examination would be sent to a central state facility in order to be serviceable, such a facility would need two full-time salaried pathologists, a full array of pathology laboratory equipment and body storage facilities. The members agreed that this alternative would be extremely costly.

2. Alternative Two: The State Medical Examiner would appoint Associate Medical Examiners (AME's) to conduct autopsies and other scientific investigations within designated regions. The AME's would utilize local hospital and funeral home facilities, obviating the purchase of expensive pathology laboratory equipment for a central state facility. There would be no need of an additional full-time state pathologist. The ME would assist with local scientific investigations when needed. The members agreed that this alternative is preferable to the first.

The Board also established the need to poll pathologists in Montana to determine how receptive they were to a system with Associate Medical Examiners, i.e., would they support and work within such a system? The results of this poll were to be made available at a later meeting.

Addressing the organizational structure of the Forensic Science Division, the Board discussed the feasibility of a Forensic Science Bureau rather than a Division. Resolutions which called for a Bureau of Forensic Science were proposed. At this time the Board was reminded of the Montana Justice Project and their recommendation which considered a Division to be the proper organizational structure for a forensic science system. Discussion of this issue resulted in the deferral of action on the proposed resolutions.

At attendance during the Board's joint meeting were members of the Governor's Office of Budget and Program Planning. They advised the Board that the Department of Health would

be requesting funds for lab facilities in the 1979 legislative session. It was suggested to the Board it combine its laboratory proposal with that of the Health Department. Discussion of the above proposal centered on the requirements of security and chain of evidence which are problems unique to a criminalistics laboratory. These requirements would add to the difficulty of combining health and criminalistics facilities.

MONTANA BOARD OF FORENSIC SCIENCE

Meeting Record

March 29, 1978

Chairman John Pfaff called the meeting to order on Wednesday, March 29, 1978, at 1:00 P.M., in the conference room of the Montana Board of Crime Control, Helena, Montana.

Attending Board members were:

Bob Chesterfield
Don Hellman
Fritz O. Behr
Ray Lynch
Wm. F. Brinkel
John Jutila
Gene Kiser
Bob Griffith
M. E. "Mickey" Nelson
Don White
Dale Dye
Wally Schumacher
John Pfaff

DISCUSSION

John Newman attended the Operations and Planning Committee during the morning but it was necessary for him to be absent during the Board meeting. Arnold Melnikoff, Bureau Chief of the Crime Laboratory, LESD, attended the meeting in his capacity of consultant.

Secretary/Treasurer Mickey Nelson presented the record of the previous meeting. The Board approved the Meeting Record without additions or corrections.

Chairman Pfaff introduced Bev Rhodes who acted as recording secretary for the meeting. She distributed travel claim forms and three ring binders to those members who had not yet received them.

Sharon Wolfe explained the flow chart of the Board's objectives which she had prepared in rough form, requesting the members to suggest changes and additions to finalize the chart before the next meeting. Dr. Pfaff asked that the committee chairmen analyze the chart and submit suggestions within two weeks of the forthcoming meeting.

Chairman Pfaff explained that Mike McGrath, Assistant Attorney General, was unable to attend this meeting and was therefore unable to furnish his draft of procedures for county-level death investigators. The Personnel Resources Committee would, however, report on this subject.

COMMITTEE REPORTS AND DISCUSSION:

Fritz Behr, Chairman, Physical Resources Committee, reported on an interim meeting held on March 9 in Great Falls. Attending that meeting were: Dr. John Pfaff, Don White, Fritz Behr, Mickey Nelson and Arnold Melnikoff. The purpose of the meeting was to determine physical requirements of the pathology segment of the forensic science division. During that meeting, Dr. Pfaff suggested two alternative methods of carrying out the duties of the State Medical Examiner:

1. Alternative One: Bodies and specimens requiring scientific examination would be sent to a central state facility. In order to be serviceable, such a facility would need two full-time salaried pathologists, a full array of pathology laboratory equipment and body storage facilities. The members agreed that this alternative would be extremely costly.

2. Alternative Two: The State Medical Examiner would appoint Associate Medical Examiners (AME's) to conduct autopsies and other scientific investigations within designated regions. The AME's would utilize local hospital and funeral home facilities, obviating the purchase of expensive pathology laboratory equipment for a central state facility. There would be no need of an additional full-time state pathologist. The ME would assist with local scientific investigations when needed. The members agreed that this alternative is preferable to the first.

Mr. Behr presented copies of a memo from Arnold Melnikoff which summarized the March 9 meeting, mentioning that Dr. Pfaff had compiled a list of Montana's pathologists for future reference in selecting AME's. He said that Dr. Pfaff had given the group a tour of the facilities at the new Columbus Hospital which is nearing completion in Great Falls.

The Board discussed several questions concerning the two alternatives: If the second alternative were adopted, should the Board poll pathologists to determine their willingness to work within the system, their concerns and requirements? Should the Board offer contracts to the doctors and hospitals to guarantee their compliance and availability? How much should AME's be paid? Who will sign death certificates? What will be the working relationships between coroners, law enforcement and prosecutors at the local level?

The Board discussed the question of training coroners and the possibility of requiring P.O.S.T. certification.

Mr. Behr suggested that the Board consider meeting as a committee of the whole during the morning of each meeting date since there seems to be much duplication of effort by the committees.

Mr. Lynch, on behalf of the Beaverhead County Commissioners, offered the entire old Barrett Hospital Facility which consists of three floors and over 20,000 square feet of space, free of charge, for the forensic science division. The offer includes a dormitory. The hospital, he said, is in good condition and is located within 100 yards of the new hospital and the university campus. Chairman Pfaff thanked him for the offer and promised an on-site inspection by representatives of the Board.

Mr. Behr asked the Board to address the question of the administrative structure and placement of the forensic science division, i.e., should it be a division or a bureau? Because of duplicate committee efforts, the Board decided to proceed with the other committee reports before entertaining motions and resolutions. Mickey Nelson, Chairman of the Personnel Resources Committee, reported that his committee had discussed salaries and qualifications of coroners, as well as laboratory and forensic pathology positions and salaries. He cited totals of suicides and homicides from the Montana State Vital Statistics Report. It was pointed out, however, that these totals reflected only those deaths for which causes had been determined and not the number of deaths that had required investigation.

Don White, Chairman of Basic Operations and Planning Committee, reported that many of these same questions had been discussed by his committee. He mentioned that Lonn Hoklin, the Board Administrator, had suggested that the committee consider polling hospital administrators and pathologists throughout the state. The objective of the poll would be to determine interest in the system and the possibility of contractual arrangements. Mr. White stated that this committee had voted unanimously to offer the following resolutions:

1. That HB 461 be amended to create a bureau of forensic science under the Law Enforcement Services Division of the Department of Justice, and

2. That the forensic science system be one bureau under the Medical Examiner as bureau chief. Mr. White asked Mr. Hoklin to explain the reasoning behind the resolution. Mr. Hoklin stated that the word "division" has a certain mystique in the minds of some legislators, implying proliferation of government. A bureau, he said, might be more

saleable. He also explained that the state budgeting process might be more easily negotiated by a bureau of forensic science than by a division of forensic science. He also stated that the Department of Justice has been working toward a consolidated capital building plan and toward uniform budget presentations by all Department of Justice agencies to the Legislature.

Chairman Pfaff explained that the Montana Task Force on Science and Technology and the Montana Justice Project considered a division to be the best administrative configuration for a forensic science system. The situation may have changed, however, since that time, he said. The question was called for, the Board voted unanimously to amend H.B. 461, creating a Bureau of Forensic Science rather than a Division. Chairman Pfaff reminded the Board that it can always change its resolution.

Chairman Pfaff interrupted discussion of the second portion of the motion to introduce members of the Governor's office of Budget and Program Planning: Dave Lewis, Gene Huntington and Jim Van Koten, explored with the Board the possibility of other agencies requesting funds for new laboratory facilities from the next Legislature; they urged the Board to consider the possibility of combining the forensic laboratory proposal with that of another agency. Presently, they said, the only other major funding request for such facilities had come from the Department of Health, and that the preliminary architectural plans for adding additional floors to the Cogswell Building were due in thirty days. The budget request will be finalized in September. Dave Lewis suggested that the Board contact Dr. Knight, Director of the Department of Health, to discuss possibilities. The budget officers entertained questions from the Board. Mr. Melnikoff discussed the problems of physical security and chain of evidence which are unique to the criminal justice setting. Chairman Pfaff thanked the budget office personnel for appearing before the board.

Following further discussion of the motion before the board establishing the Medical Examiner as the bureau chief of one combined bureau, the Board voted six Aye and seven Nay. The resolution failed.

Matters considered as urged by Committees:

1. Whether the Board should meet as a committee of the whole in the mornings prior to regularly scheduled Board meetings. Chairman Pfaff suggested beginning such meetings at 9:30, allowing committees to meet individually at 10:30 if the need arises. The Board unanimously agreed.

2. Regarding polling of pathologists. Chairman Pfaff reported that there are presently five pathology groups throughout the state who do AME work on a regional basis.

He agreed, at the request of the Board, to poll these groups but suggested that a list of questions be compiled first. The Physical Resources Committee will submit draft questions prior to the next Board meeting. Chairman Pfaff urged other Board members to offer their draft questions as well. In discussion, the Board stressed the need for the following question: Are AME's willing to travel to the scenes of the crimes to conduct crime scene investigations? Mr. Brinkel asked Chairman Pfaff to outline from his experience the concerns and problems of pathologists relating to death investigations. Chairman Pfaff responded with the following:

1. County Commissioners do not provide adequate facilities;

2. Lack of morgues or holding facilities; and

3. Lack of cooperation from coroners. In this connection Chairman Pfaff stated that he will ask pathologists about the chain of responsibility in their respective regions. Pathologists are reluctant, he said, to perform autopsies under less than proper conditions, e.g., on bodies that have already been embalmed.

The Board discussed the on-going education of AME's as provided by H.B. 461, and there was further discussion of a central forensic pathology facility versus regional AME facilities. The Board deferred final action on these matters. Dr. Jutila expressed his concern that the Board might vote on certain issues without sufficient information. At his request, the Chairman asked Dale Dye, Gene Kiser, Mickey Nelson, Don White and Bob Griffith to each explain the chain of responsibilities and functions in their respective jurisdiction following a suspicious or violent death, and the step-by-step procedures taken by each official involved. Following the explanations, Chairman Pfaff noted that there are many differences in policy, chain of responsibility and procedure among Montana's various jurisdictions relating to death investigations. The Board agreed that a degree of standardization is in order.

Following a short recess, Dr. Pfaff stressed that the Board must make several basic decisions to adopt a regional AME system utilizing local facilities (hospitals, laboratories, morgues, etc.).

Mr. Dye moved that the Board adopt an Associate Medical Examiner system with AME regions. Mr. Griffith seconded and the resolution carried unanimously.

Mr. Brinkel suggested that Board representatives go to Dillon to inspect the facilities offered by the Beaverhead County Commissioners. The Board agreed that Chairman Pfaff,

Arnold Melnikoff, Wally Schumacher and someone representing the Architecture and Engineering Division of the Department of Administration should conduct the inspection. The staff said that the Board could cover travel expenses. Chairman Pfaff instructed the staff to notify all Board members of the inspection date of the trip as soon as it's known. Lonn Hoklin stated that Anaconda had offered a facility which the Board could inspect the same day. Mr. Dye stated that Fort Missoula has a building that would be available for a payment of one dollar. The Board instructed the staff to investigate all known offers to date, and to compile a list of necessary or advisable support facilities near a physical site. Board members agreed to let Lonn Hoklin or Sharon Wolfe know of items which should be on that list. Mickey Nelson suggested that the Board contact the Department of Health on a possible combination of laboratory facilities. Lonn Hoklin agreed to do this and report to the Board.

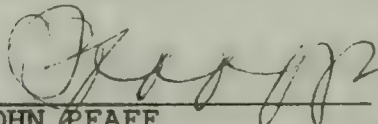
Chairman Pfaff asked for the Board's sense on whether to appoint a representative of the state's morticians as an ex-officio member of the Board. Mickey Nelson explained morticians' involvement and interest in the entire matter of death investigations. Following discussion, Dale Dye moved that the Board recommend to the Attorney General that he appoint a member of the state association of morticians as a representative to the Board of Forensic Science, to attend, if he desires, at his own expense and without voting privilege. Mr. Griffith seconded the motion. The motion passed unanimously.

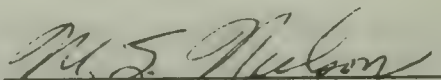
Mr. Nelson moved that the Medical Examiner's office be a separate bureau under Law Enforcement Services Division. Mr. Dye seconded the motion. During discussion, Mr. Kiser explained the need for more consideration of this proposal, offering a substitute motion to table the original motion. Mr. Griffith seconded the substitute motion. It passed by a majority, 7-6.

Proposed motions by the Personnel Resources Committee were distributed for consideration by the Board prior to the next meeting.

Meeting adjourned at 4:30 p.m.

Respectfully submitted,


DR. JOHN PFAFF
Chairman


MICKEY NELSON
Secretary/Treasurer

26 APRIL 1978

STATE
OF
MONTANA
ATTORNEY GENERAL
MIKE GREELY

STATE CAPITOL, HELENA, MONTANA 59601 TELEPHONE (406) 449-2026

MEMORANDUM

DATE: 19 April 1978
TO: Montana Board of Forensic Science
FROM: Sharon Wolfe, Assistant Administrator, *SW*
RE: April 26 Meeting of Board and Committees

1. Committee Meetings: By decision of the Board at the last meeting, the Committee of the Whole will meet at 9:30 a.m. at the Montana Board of Crime Control main conference room, 1336 Helena Avenue. Individual committees may meet at approximately 10:30, if this is desirable.
2. Meeting Record for March 29 is enclosed, but subject to approval by the Secretary/Treasurer.
3. The arrangements for the inspection trip to view sites offered for use in housing the forensic science facility are being finalized. Either Monday, April 24, or Tuesday, April 25, will be the day for viewing the hospitals at Dillon and Anaconda. Each member will be contacted by telephone to give you a chance to participate.
4. Dr. Pfaff sent a questionnaire to pathologists in all areas of the state and all but one have responded. A summary of their reactions and specific comments will be available by this meeting date.
5. In order to help clarify exactly what major steps have been taken by the Board since its organization, the resolutions which it has voted on will be set forth separately for you to analyze at this meeting.
6. There has been no input toward finalizing the flow chart of objectives which was presented in rough form at the March 29 meeting. If anyone has suggestions, we could get together at the April meeting.

7. Meeting Agenda -- (9:30 a.m.) Main conference room,
Montana Board of Crime Control.

A. Call to Order.

B. Presentation of previous meeting record by
Secretary/Treasurer Mickey Nelson.

C. Staff Report.

- i. Travel claims made available;
- ii. Report on contacting Board of Health;
- iii. Report on contacting morticians' association;
- iv. Summary of Resolutions to date.

D. Report on inspection trip - by Board member.

E. Report on results of pathologist/forensic science
questionnaire and discussion.

F. Other old business.

G. New business.

H. Topics of discussion from flowchart and suggestions
for its being finalized.

MEETING RECORD

April 26, 1978

A SUMMARY REPORT

The Board's fifth meeting opened with Lonn Hoklin presenting a summary of the Attorney General's position on several of the Board's forthcoming decisions. Hoklin stressed that the Attorney General's statements were intended as input and not as directions. Of particular interest to the Board was the Attorney General's statement on the organizational structure of the Forensic Science Division. On this issue the Attorney General saw more benefits with a division-level forensic system than with a bureau-level system. Considering the importance of the issue, the Board unanimously agreed to reconsider the previously tabled resolutions dealing with organizational structure.

The Board examined three alternatives for the Division organizational structure. (See page 8 and 9 of April 26, 1978 Meeting Record.) Two of the alternatives would establish a Bureau of Forensic Science within the existing Law Enforcement Services Division. In opposition is the alternative which establishes a Division of Forensic Science (Office of Forensic Pathology) in the Justice Department. Located within the Division would be a Bureau of Criminalistics.

In assessing the effectiveness of each alternative, the Board noted the simplicity of the chain of command under a division-level system. This system would eliminate the problems of "too many chiefs." The Board moved to adopt the alternative calling for a Division of Forensic Science. The resolution carried eight to five.

In consideration of the Budget Office's proposal that the criminalistics and health lab be combined, Dr. Knight, Director of Health and Environmental Services, was contacted. Dr. Knight indicated there would be no space for a criminalistics lab in the Department's Cogswell Building. Such space that will be available is to be occupied by the Environmental Protection Agency and the Health Department lab.

In view of a recent inspection of two possible sites for the Division of Forensic Science, the Board discussed the results of the Architecture and Engineering Division's

findings. Under consideration were the Anaconda Community Hospital and the old Barrett Hospital at Dillon. Because of remodeling costs associated with the selection of the Dillon Hospital, the Board dropped it as a viable alternative. Although the Anaconda Community Hospital proved to be a better facility in terms of physical condition, it was excessive in terms of space. The cost of utilities under such conditions would be prohibitive. Regarding additional site considerations, the possibility of locating the Division of Forensic Science near the Montana Law Enforcement Academy in Bozeman was mentioned. Discussion on this alternative revealed the need for further study.

During the Board's discussion of a possible site for the Division, mention was made of the special requirements of a crime lab. Security and plumbing are two such requirements. In light of these the Board agreed on the necessity of consulting an expert in laboratory planning. The Physical Resources Committee was requested to review the lab needs and present a complete package of proposals for consideration by the Board.

After extended discussion on site locations it was suggested that the Board immediately select a number of sites and prospective site locations. The Board agreed that the five most likely locations were Helena, Bozeman, Butte, Great Falls and Missoula. Aside from its geographic isolation, Billings was also considered a desirable location. It was further suggested that the Board outline the community services which would contribute to the operations of a Forensic Science Division. Proximity to university and/or hospital, accessibility to air transportation, geographic location convenient to all areas of Montana, proximity to the Montana Law Enforcement Academy and access to communications technology were offered as important considerations.

At the close of the meeting, the Board reviewed the questionnaire distributed to Montana pathologists. The questionnaire was designed to determine the willingness of pathologists to work within the Medical Examiner system as Associate Medical Examiners. The Board drew several general conclusions from the returned questionnaires. The following are of greatest importance:

1. A regional Associate Medical Examiner system is a viable concept.

2. Pathologists are interested in working under a Medical Examiner system and in obtaining further forensic education. (A complete summary of the survey is included in chapter six.)

MONTANA BOARD OF FORENSIC SCIENCE

Meeting Record

April 26, 1978

Chairman John Pfaff called the meeting to order on Wednesday, April 26, 1978, at 9:30 A.M., in the conference room of the Montana Board of Crime Control, Helena, Montana.

Attending Board members:

John Newman
Bob Chesterfield
Don Hellman
Fritz O. Behr
Ray Lynch
John Jutila
Bob Griffith
M.E. "Mickey" Nelson
Don White
Dale Dye
John Pfaff
Bob Harvie

Chairman Pfaff introduced Bill Steele, Assistant Chief of Police from Great Falls, as Gene Kiser's proxy, and explained that Mr. Steele would be allowed full voting privileges. Bill Brinkel called at 8:45 a.m. to advise that he would not be able to attend the meeting. Wally Schumacher was absent due to the press of business.

Chairman Pfaff related his reservations about the Chairman influencing the Board on certain issues, but suggested that he would not sit by idly and let erroneous information go unchallenged. He urged the Board to interrupt him at any point to challenge his ideas if the members were inclined.

Secretary/Treasurer Mickey Nelson presented the record of the previous meeting. Mr. Behr noted that Mr. Harvie's name had been omitted as an attending Board member. Mr. Behr also asked that on page three, paragraph one, the sentence read as follows: "The Board discussed the question of minimum basic training to coroners and the possibility of requiring some sort of certification for coroners similar to P.O.S.T. certification for law enforcement officers." Mr. Nelson moved to accept minutes as corrected. Dr. Newman seconded the motion and the Meeting Record stood as corrected.

STAFF REPORT

Sheila O'Loughlin distributed travel claim forms and travel questionnaires.

The Board Administrator, Lonn Hoklin, presented a summary of the Attorney General's position on several forthcoming decisions by the Board and distributed copies of the Attorney General's statement. Mr. Hoklin explained that the Attorney General's positions are not directives to the Board, and that the Attorney General had reexamined his position on the administrative structure of the forensic science operation since the previous meeting. The Attorney General favors a division-level Medical Examiner inasmuch as the Board has resolved to have only one laboratory at the state level, utilizing local laboratory facilities wherever possible.

The staff distributed copies of Board resolutions to date.

Mr. Hoklin reported that he had contacted Dr. Knight of the Department of Health regarding space for the forensic facility in the Department's Cogswell Building. Dr. Knight had explained that all the new space in the addition to the Cogswell Building will be in use by an Environmental Protection Agency team and the Department of Health Laboratory. Mr. Hoklin also reported that the Montana Funeral Directors Association appointed a mortician from Helena as their ex officio representative to the Board, and that he had contacted the executive director of the association to invite their attendance of this meeting. A letter of confirmation will be sent to the representative immediately.

DISCUSSION

Chairman Pfaff urged Members to view resolutions as proposals for statutory amendments or as regulations to be issued by the Board.

Dale Dye's proposals for amendments, for example, might be more appropriately considered as rules and regulations. The Board has the power to issue rules and regulations according to H.B. 461. Chairman Pfaff also noted that the Legislature may not be inclined to accept numerous amendments.

Sharon Wolfe distributed copies of her memorandum to Chairman Pfaff, explaining that Mike McGrath, Legal Counsel for the Board, had suggested that the Board undertake as much of its business as possible through issuance of rules and regulations; Mr. McGrath would then analyze those rules and regulations to identify those that should be statutory amendments. The Board could then act on Mr. McGrath's recommendations.

Mr. Dye inquired as to how rules and regulations could be changed, and Ms. Wolfe answered that the Board can change rules and regulations through simple resolution.

Mr. Dye then stated that before proceeding further, he wanted clarification of which kinds of issues require resolutions for statutory amendments, and which kinds of issues require resolutions for rules and regulations. Chairman Pfaff stated that changing the forensic science division to a bureau necessitates an amendment of existing law. Designating procedures for case-handling by the Medical Examiner, however, would require rules and regulations.

Mr. Dye disagreed with Chairman Pfaff, stating that he believed the Board could not make progress with this system. Chairman Pfaff again stressed that the Board will decide on rules and regulations, as well as amendments. Mr. Dye expressed the belief that statutory changes are preferable to rules and regulations. But Chairman Pfaff observed that the Board should not tie the Medical Examiner's hands by engendering excessive statutory provisions, that the Medical Examiner should be able to review rules and regulations in order to make practical changes.

Mr. White explained that statutory changes must be written as amendments, stating that the best way to proceed is to consider each item separately. He agreed with the Chairman that it is wise to submit the fewest possible amendments to the Legislature. Mr. White suggested that the Board review and analyze H.B. 461, the Montana Forensic Science System Act. Dr. Newman agreed with Mr. White and stated that the Board should act within the confines of the bill, proposing very few if any amendments.

Chairman Pfaff stressed again that the Board should feel free to offer amendments as well as rules and regulations but that resolutions should not automatically be considered amendments to existing statutes.

Dr. Newman stated that the Board must outline rules and regulations before July or August, in order to conform to time limits set previously by the Board. Chairman Pfaff explained that this was the reason for the flow chart that Ms. Wolfe prepared for the Board members. Mr. Hoklin suggested that the two memos dated July 5 and July 7, 1977, attached to H.B. 461, regarding purpose of the Act, objectives and issues, might be helpful in addressing the needs of the forensic science system.

Chairman Pfaff called for a report of an inspection trip (by Mr. Hoklin, Mr. Melnikoff, Mr. Chesterfield and Mr. Hellman) to Dillon and Anaconda to view possible sites for the Division of Forensic Science, and introduced John McKittrick

from the Architecture and Engineering Division, Department of Administration, who had accompanied the Members. Mr. McKittrick presented the following report.

Anaconda Community Hospital: The building appears to be in excellent shape with minor plumbing problems. This building has the facilities necessary for a forensic science operation. The structure is a four-story masonry frame with concrete floor slabs, built in 1887 with additions in 1955 and 1976.

Old Dillon Hospital: This structure, the old Barrett Hospital, is a masonry frame building with concrete floor slabs built in 1922. Mr. McKittrick stated that he saw a problem because he noted a number of items that didn't meet building codes. He estimated that the building had approximately 15,000 to 20,000 square feet. The existing mechanical and electrical systems would have to be abandoned in favor of new systems; this, he said, would be a terribly expensive proposition.

Mr. McKittrick suggested that further study is needed. Remodeling the Anaconda facility would be minor compared to remodeling the Dillon facility. Remodeling costs, he said, are fifty percent greater than the cost of new construction. Both appear to be structurally sound buildings.

Chairman Pfaff asked for a comparison of costs between remodeling, necessary construction and leasing. Mr. McKittrick, however, could give no estimate for leasing without additional information.

Arnold Melnikoff, Chief of the Crime Laboratory Bureau, suggested the possibility of leasing the Anaconda facility, but Mr. Hoklin stated that the hospital managers in Anaconda were not yet in the position to make offers. Construction of a new Anaconda hospital must be complete before the old facility would be available to the Department of Justice, he said. An unofficial estimate of the time before availability is two years.

Chairman Pfaff thanked Mr. McKittrick for his assistance to the Board and asked for further comment from Board members who attended the inspection trip.

Bob Chesterfield stated that the Anaconda facility had far more space than needed for a forensic science operation, and that the cost of utilities is approximately \$22,000 annually.

Dr. Newman agreed with Mr. Chesterfield that the Anaconda facility was excessive in terms of space. It is nonetheless, he said, a very good facility.

Mr. Dye asked about the possibility of combining the Montana Law Enforcement Academy and the Division of Forensic Science. There was much discussion concerning the possibility of a building for both the forensic science laboratory and the Montana Law Enforcement Academy. It was estimated that approximately 5,000 to 6,000 square feet would be needed for the crime lab, and 18,500 square for the Montana Law Enforcement Academy (MLEA).

Mr. Hoklin stated that the Attorney General had no preference as to location of the Division of Forensic Science, but that MLEA would definitely remain in Bozeman.

Mr. Dye informed the Board that he and Arnold Melnikoff inspected a facility at Fort Missoula for possible location of the Division of Forensic Science and found that it was an old horse barn.

Mr. Nelson observed that there are many things to consider in seeking a facility, such as security of the crime lab.

Mr. Behr added that the plumbing requirements are unique since certain chemicals used in the laboratory operation can corrode pipes. Before deciding on a facility, Members agreed that the Board should consult an expert in laboratory planning. The Board instructed the Physical Resources Committee to study these problems and report back to the Board in the near future.

Mr. Dye suggested that the Board decide on the organizational structure of the forensic science operation before considering building needs. He also requested that the Physical Resources Committee review the laboratory needs and present a complete package of proposals for review by the entire Board.

Dr. Newman suggested advertising for a location, but subsequent discussion revealed disadvantages of widespread advertising due to political considerations. Many communities would seek the forensic science operation only to be disappointed for technical or logistical reasons. The Board, moreover, has limited time to inspect a large number of proposals.

Ms. Wolfe distributed an outline of community services necessary to support the forensic science operation and asked for suggested additions or deletions. Board members added access to communication technology (computers, etc.) to the list.

Dr. Newman suggested that the Board immediately select a town as a site, and proceed from this point. The Board agreed that the five most likely locations were Helena,

Bozeman, Butte, Great Falls and Missoula. The Board considered Billings a desirable location except for its geographic isolation.

Chairman Pfaff suggested that the outline of community resources be prioritized on a scale of one to four. The Board agreed that section A, Proximity to university and/or hospital, is "not too important;" section B, Air transportation accessible--statewide and out-of-state, is "very important;" section C, Location convenient to all areas of state, is "very important" and section D, Proximity to MLEA, is "important." Section E, Access to communications technology was added during the lunch recess.

Following discussion regarding the progress made by the separate committees, Mr. Dye moved that each committee be required to produce a list of priorities before the next meeting covering the respective areas of concern. Dr. Newman seconded the motion and it carried unanimously with the exception of Mr. Behr's abstention. Mr. Behr stated that his committee has followed this procedure in three reports to the Board. He could not determine what more his committee (Physical Resources) was being asked to do. Before proceeding further, he stated, his committee must have guidance on other issues such as what the specific role of the Medical Examiner is to be. Chairman Pfaff suggested that analyzing the answers to the forensic science questionnaire circulated to pathologists throughout the state might assist all the committees in this regard. Mr. Behr agreed.

Adjournment for lunch.

Upon calling the meeting back to order after the lunch recess, Chairman Pfaff explained each item on the forensic science questionnaire circulated since the previous Board meeting to pathologists throughout the state. Chairman Pfaff stated that he sent thirteen questionnaires and had received seventeen responses! Sidney's pathologist did not return the questionnaire, but indicated verbally to the Chairman that he would cooperate with a state Medical Examiner.

The Board drew several general conclusions from the answers to the questionnaires:

1. Though some people believe that a funeral home is an adequate morgue facility, in actuality it is not.
2. Mortuaries have begun to charge fees for use of their facilities.

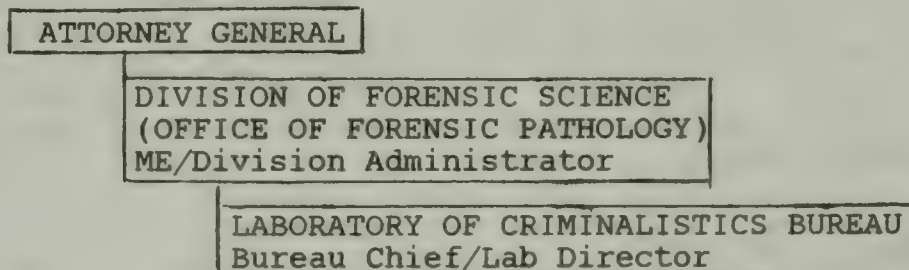
3. A regional Associate Medical Examiner system is a viable concept.

4. Pathologists are interested in working under a Medical Examiner system and in obtaining further forensic education.

Mike Lavin, Administrator of the Board of Crime Control, attended the meeting as an interested party. In response to Chairman Pfaff's question as to the availability of Law Enforcement Assistance Administration funds to upgrade local morgue facilities, Mr. Lavin stated that such money may indeed be available.

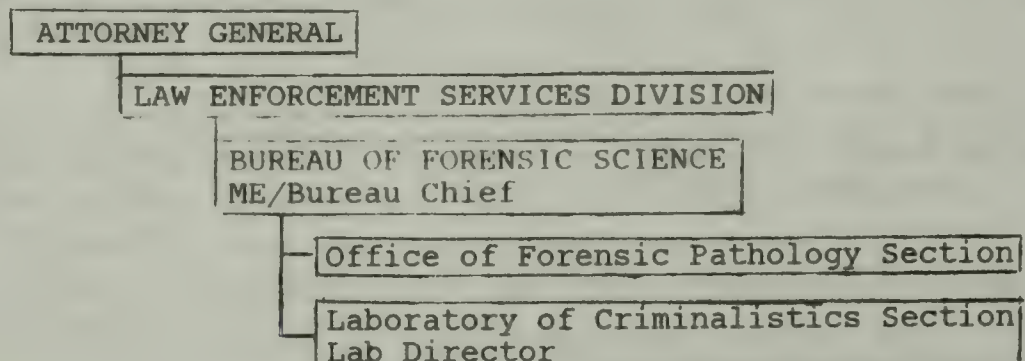
Mr. White moved to reconsider the resolution tabled at the previous meeting concerning separation of the Medical Examiner's office into a separate bureau from the present Crime Laboratory under the Law Enforcement Services Division. Mr. Behr seconded the motion and it passed unanimously. Chairman Pfaff asked Mr. Hoklin to explain the three alternative structures which he had diagramed on the chalkboard.

ALTERNATIVE NO. 1:



This alternative would remove the present laboratory from Law Enforcement Services Division, creating a new Division of Forensic Science.

ALTERNATIVE NO. 2:



This alternative establishes a Bureau of Forensic Science within the Present LESD.

ALTERNATIVE NO. 3:

ATTORNEY GENERAL

LAW ENFORCEMENT SERVICES DIVISION

OFFICE OF FORENSIC PATHOLOGY BUREAU
ME/Bureau Chief

CRIMINALISTICS LABORATORY BUREAU
Lab Director/Bureau Chief

This alternative would establish separate bureaus for the Medical Examiner and the Criminalistics Laboratory.

Mr. Hoklin explained that alternatives two or three would require amendments to existing law.

Dr. Newman spoke in favor of alternative one, stating that the legislature made it clear, with the passage of H.B. 461, that it intended the forensic science operation to be a division within the Department of Justice. Dr. Newman also stated that the Medical Examiner should have direct control over all the operation functions.

Mr. Dye and Mr. Nelson spoke in favor of alternative three, stating that the volume of services performed by the present laboratory will exceed those performed by the ME's office; scientific analysis of evidence now performed is far removed from that concerning only suspicious deaths, they reasoned, and it is inappropriate to vest control of the whole laboratory operation in the ME.

Mr. Steele expressed concern over fragmented leadership inherent in alternatives two and three, stating that "too many chiefs" are undesirable. Speaking as a law enforcement administrator (Assistant Chief of Police in Great Falls), he stressed that the only logical alternative is number one. Alternative one, he added, would be simpler and most expeditious for the use of law enforcement personnel.

Mr. White moved to adopt alternative number one, Mr. Griffith seconded, and the resolution carried eight to five. An aye vote was cast by Wally Schumacher who was in the building on business prior to the afternoon meeting; he submitted his vote in writing.

Mr. Behr suggested that his committee (Physical Resources) prioritize the items involved in choosing a site for the Division of Forensic Science for presentation at the next meeting.

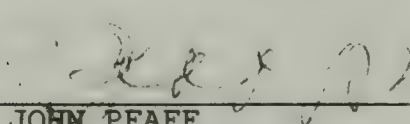
The Board agreed to meet during the morning of May 26 in separate committees and to convene as a full Board at 1:00 p.m. that day.

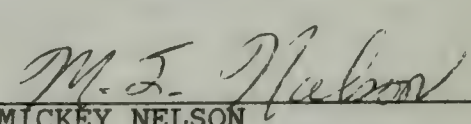
Mr. Dye raised the procedural question of conflicting resolutions enacted by the Board. Responding to a request from Chairman Pfaff, Mr. Hoklin explained that the latest resolution supercedes any conflicting resolution enacted earlier. He explained that this method provides needed flexibility in decision-making inasmuch as the Board may subsequently review previous decisions without complex procedures. Changing a decision or policy, he said, still requires the approval of the full Board through resolution, a point the Chairman stressed.

Mr. Dye offered a resolution stating that any resolution enacted by the Board supercede any and all conflicting prior motions and resolutions. Mr. White seconded. In the following discussion, Mr. Dye expressed his opposition to his resolution, stating that such a procedure will hamper any concrete progress by the Board. The resolution passed with Mr. Dye's dissenting vote.

The meeting adjourned at 2:45 p.m.

Respectfully submitted,


DR. JOHN PFAFF
Chairman


MICKEY NELSON
Secretary/Treasurer

MONTANA BOARD OF FORENSIC SCIENCE

Irrespective of the discussion by the Board, I hereby cast my vote in favor of the Forensic Science Facility as a Division rather than as a Bureau.

Dated this day of April 26, 1978

Wally Schumacher
Wally Schumacher

M. Schumacher
WITNESS


24 MAY 1978

STATE
OF
MONTANA
ATTORNEY GENERAL
MIKE GREELY

STATE CAPITOL HELENA MONTANA 59601 TELEPHONE (406) 449-2626

MEMORANDUM

TO: Montana Board of Forensic Science

FROM: Lonn Hoklin, Administrator 

DATE: 19 May 1978

RE: May 24, 1978, Board meeting and related matters.

1. Enclosed with the April 26 Meeting Record are the resolutions enacted at that meeting. Please bring all resolutions to the next meeting since they are helpful in discussing current issues.

2. The staff is completing a financial report for presentation by Secretary/Treasurer Mickey Nelson at the next meeting.

3. Resolution #9 called upon all committees to prepare written lists of priorities within their respective areas of concern for presentation to the full Board on May 24.

A. Physical Resources Committee: Fritz Behr, Chairman, suggested at the previous meeting that his committee prioritize the requirements for a forensic science operation physical plant.

B. Personnel Resources Committee: In view of the Board's action on Resolution #11, the committee may wish to draft resolutions concerning acquisition of additional personnel for the Division of Forensic Science.

C. Basic Operations and Planning Committee: Mike McGrath, legal counsel to the Board, will attend the morning session to assist the committee in drafting priorities for amendments to existing law and for issuance of rules and regulations.

4. Additional considerations:

A. The Board must soon come to grips with ensuring some measure of standardization in the investigation of suspicious deaths, a matter that may require actual

amendments to existing law. The forensic science questionnaires returned by pathologists indicate that this is extremely important in guaranteeing pathologists' participation in a statewide system. Mike McGrath is prepared to address this issue with the Board.

B. The Board must soon establish what additional crime laboratory services will be offered by the Division of Forensic Science, a matter critical to selection of a site and anticipation of costs.

C. An inspection tour of another facility may be in order. With proper preparation, an inspection team from the Board could analyze an existing operation to construct estimates of costs associated with new laboratory services (equipment, personnel, etc.); the team could assemble information on laboratory, record-keeping and investigation procedures, on needed rules and regulations, and on the availability of personnel. If the Board were to opt for such an inspection, the committees may wish to draft objectives and questions to be answered. The goal would be to stimulate direct Board action on the basis of sound, first-hand information. Alternatives to an actual inspection are:

i. Questionnaires to other forensic science operations.

ii. Consultants from other forensic science operations.

5. The staff has received the following proxies for the meeting on May 24:

A. Bob Griffith's proxy: Captain Duane Tooley.

B. Bob Harvie's proxy: Clayton Baine.

6. Committees will convene at their regular meeting places at 9:30 A.M., May 24. The full Board meeting will convene at 1:00 P.M.

MEETING RECORD

May 24, 1978

A SUMMARY REPORT

The emphasis during the Board's May meeting was on the necessity of integrating the operations of the Medical Examiner and the Laboratory of Criminalistics. The Board, in keeping with this philosophy, recognized Montana's need for a coordinated forensic science system. By meeting these needs the communities of Montana and the criminal justice system would stand to benefit.

Several resolutions calling for amendments to House Bill 461 were proposed by the Basic Operations Committee for the Board's consideration. Those which carried are summarized below:

Resolution #18: Amendment to House Bill 461; Cooperation with Montana Law Enforcement Academy. The committee wished to underscore the importance and efficiency of utilizing the Montana Law Enforcement Academy Bureau in providing training for individuals associated with the forensic science system, e.g., associate medical examiners, coroners, and law enforcement personnel.

Resolution #19: Amendment to House Bill 461; Selection of AME's. The committee wished to ensure guidance from professional associations representing the law enforcement community in selection of associate medical examiners.

Resolution #20: Amendment to House Bill 461; Cost; Coverage of Forensic Science System. The committee wished to eliminate inconsistencies in the Act concerning cost coverage of forensic science services.

Resolution #23: Amendment to House Bill 461; Procedures upon Suspicious Deaths. The committee wished to clarify those circumstances under which a coroner is obliged to conduct a death investigation.

MONTANA BOARD OF FORENSIC SCIENCE
MEETING RECORD
May 24, 1978

Chairman John Pfaff called the meeting to order on Wednesday, May 24, 1978 at 1:00 P.M. in the conference room of the Montana Board of Crime Control, Helena, Montana.

Attending Board members:

John Pfaff
Fritz Behr
Don White
John Newman
Bob Chesterfield
Ray Lynch
Don Hellman
Dale Dye
Wally Schumacher
Gene Kiser
Mickey Nelson

Chairman Pfaff introduced Don Pratt, Executive Director of the Montana Funeral Directors Association and ex-officio member of the Board of Forensic Science. Chairman Pfaff welcomed Mr. Pratt and urged his comments and suggestions.

Chairman Pfaff explained that Bob Harvie had designated Clayton Bain as his proxy, but that Mr. Bain was ill and could not attend the meeting. He also introduced Captain Duane Tooley, who attended as Bob Griffith's proxy.

Chairman Pfaff explained that although the Board will accept proxies in writing or by telephone, neither the Chairman nor the staff will recommend individuals for proxies. The Chairman urged members to select proxies from their respective constituent groups or associations. Obtaining the Chairman's approval for a proxy is therefore unnecessary.

Secretary/Treasurer Mickey Nelson presented the Meeting Record of the previous meeting. He pointed out that on page ten, paragraph two, the date "May 26" should be changed to "May 24." Mr. Nelson also requested that the Meeting Record include all persons voting "Nay" as well as "Aye." Chairman Pfaff explained that the procedure was to record dissenting votes in the Meeting Record only if individual members so requested. Mr. Nelson then requested that the Meeting Record show that he voted "Nay" on Resolution #11. All members voting "Nay" on Resolution #11, "To Establish a Division of Forensic Science" were:

Mickey Nelson
Bob Chesterfield
Fritz Behr
Ray Lynch
Dale Dye

Mr. Dye requested that all votes be shown in the Meeting Record, and after a brief discussion the Board agreed that all dissenting votes be recorded.

The previous Meeting Record stood as corrected.

Secretary/Treasurer Mickey Nelson presented the Treasurer's report to the Board, and assured the members that they will all receive a copy of the report. This report was prepared for the Board by Elaine Peterson, Central Services, Department of Justice.

STAFF REPORT:

Board Administrator Lonn Hoklin reported on a memorandum from Attorney General Greely to the Criminal Investigation Laboratory in Missoula. Mr. Greely lauded the activities of the Crime Lab and extended his appreciation and satisfaction to the lab personnel. Mr. Hoklin stated that members of the Board will receive copies of this letter.

Mr. Hoklin expressed his satisfaction over the Board's ability to stay within the budget. He reported that not quite 1/24 of the budget has been expended, and he commended members for their efforts to keep costs low. One item to be kept in mind regarding the budget is the report to the Legislature, the cost of which Mr. Hoklin estimated at approximately \$3,000.

Mr. Hoklin distributed copies of an article from the Police Chief to all members: "How to Get the Best from Your Crime Laboratory," by W. Jack Cadman. Sheila O'Loughlin distributed travel claim forms and questionnaires.

DISCUSSION:

Mr. Nelson, Chairman for the Personnel Resources Committee, explained that his Committee wishes to offer recommendations for personnel by way of motions. Subsequent discussion revealed that several proposals dovetailed with the report of the Physical Resources Committee concerning expansion of Crime Laboratory services. Mr. Nelson, however, offered Resolution #13 providing secretarial staff for the Division of Forensic Science. Resolution #13 carried unanimously.

In response to the foregoing discussion, Mr. Behr moved to accept the Physical Resources Committee's report:
A Proposal to Expand Present Criminal Investigation Laboratory to a Basic, Routine Full Service Crime Laboratory at Minimal Cost. Resolution #14 carried unanimously.

Mr. Nelson offered his committee's second recommendation as Resolution #15, Qualifications for Coroner.

Mr. White questioned the validity of the Committee's requirement that in counties over 30,000 population a coroner should be considered to be a full time officer. Responding to Mr. White's suggestion that this provision be stricken temporarily from the Resolution, Mr. Nelson stated that the Committee added this language to insure that coroners receive sufficient pay, thereby generating incentive to maintain full time services.

Mr. Dye moved that Resolution #15, as amended, be sent back to the Personnel Resources Committee for consideration by the full Board at the next meeting. Mr. Behr seconded Resolution #16: Deferral of Resolution #15. It carried unanimously.

Mr. Behr, Chairman, Physical Resources Committee, distributed sheets prioritizing possible sites for the Division of Forensic Science (Helena, Bozeman, Butte, Great Falls, Missoula and Billings); Mr. Behr discussed each item in the priority system, and stressed that the Committee offered these priorities only to generate discussion and recommendations.

Mr. Chesterfield stressed that the Physical Resources Committee sought to integrate the operations of the Medical Examiner and the Laboratory of Criminalistics. Chairman Pfaff agreed and suggested that the Board act in keeping with that philosophy.

Mr. Dye questioned Mike McGrath, Legal Counsel to the Board, concerning funding, i.e., funding the laboratory without the Medical Examiner, or funding the Medical Examiner without the laboratory. Chairman Pfaff stressed that if the Legislature neglects to fund both the Medical Examiner and the laboratory, the appropriation would have little to compel its passage.

Mr. McGrath agreed, and suggested that the Board, in planning its presentation to the Legislature, emphasize the economic merits of having the Division of Forensic Science in any particular community. Mr. McGrath and Mr. Hoklin explained that in the event of the Legislature's refusal to fund a unified package, the Department of Justice would seek to continue the present Criminal Investigation Laboratory until a comprehensive state forensic science system gained

legislative approval. Dr. Newman suggested that, according to the Physical Resources Committee's priority system, all the proposed locations were very nearly equal, and that a purely objective means of evaluating the proposed sites would be considerably more complex.

Mr. Behr stated the importance of deciding on a site in the near future. Mr. Dye stated that he wanted to confer with his constituent association before he votes on the location of the Forensic Science Division.

Mr. Dye moved to table consideration of the site until the meeting in June, Mr. White seconded, and Resolution #17, Defferal of Division of Forensic Science Site Selection, carried unanimously.

Adjournment for lunch.

Mr. White, Chairman, Basic Operations Committee, stated that his committee met with Mike McGrath and Lonn Hoklin in the morning and had analyzed H.B. 461 line by line to Section 15. His committee offered the following resolutions:

Resolution #18: Amendment to H.B. 461: Cooperation with MLEA. The Committee, Mr. Dye explained, wished to underscore the importance and efficacy of utilizing the Montana Law Enforcement Academy Bureau in providing training for all individuals associated with the Forensic Science system. Resolution #18 carried unanimously.

Resolution #19: Amendment to H.B. 461: Selection of AMEs. The Committee wished to ensure guidance from professional associations representing the law enforcement community in selection of Associate Medical Examiners. Resolution #19 carried unanimously.

Resolution #20: Amendment to H.B. 461: Cost Coverage of Forensic Science. The Committee wished to eliminate inconsistencies in the Act concerning cost coverage of forensic science services. Resolution #20 carried unanimously.

Resolution #21: Amendment to H.B. 461: Primary Purpose of "Crime Lab." The Committee's purpose is to delineate the law enforcement priority of the Laboratory of Criminalistics. The Board examined the following questions: Is the term "specimens" too oriented toward forensic pathology at the expense of other functions? Does the statutory language encourage debilitating defense tactics? Does the language encourage an overload of civil cases? Should the language limit the courts' ability to refer

defense-oriented analyses to the laboratory? After lengthy discussion, Mr. Dye offered Resolution #22: Deferral of Resolution #21, for consideration at the June meeting. Resolution #22 carried unanimously, tabling Resolution #21.


Resolution #23: Amendment to H.B. 461: Procedures upon Suspicious Deaths. The Committee wished to clarify those circumstances under which a coroner is obliged to conduct a death investigation. Resolution #23 carried unanimously.

Since there was no further business, Chairman Pfaff adjourned the Board at 4:00.

Respectfully submitted,



DR. JOHN PFAFF
Chairman



MICKEY NELSON
Secretary/Treasurer

28 JUNE 1978

MEETING RECORD

June 28, 1978

A SUMMARY REPORT

Opening the meeting, Lonn Hoklin informed the Board of developments surrounding the possibility of locating the Division of Forensic Science near the Montana Law Enforcement Academy (MLEA) in Bozeman. This alternative would place the division in a modular building similar to those being constructed for MLEA near the Gallatin County Complex (Rosary School). It was emphasized that this is merely another alternative for the Board to consider.

Of considerable concern for the Board was Resolution #21: Amendment to House Bill 461: Primary Purpose of Lab. Discussion centered on the final sentence of the proposed amendment. As stated, "The laboratory may also accept referrals and specimens from other sources if accepted by the laboratory director." The Board's concern was with the possibility that the language "other sources" may allow defense counsel to "deluge" the laboratory with defense oriented investigations. Although not wishing to completely foreclose use of the criminalistics lab by defense counsel, the Board did want to prevent unnecessary and excessive use of the facilities. The tactic of "swamping" the laboratory with defense-oriented referrals has the potential of impeding the justice process. In addressing this concern the Board passed Resolution #32 which stipulated that a court order be required for referral of defense-oriented analyses to the laboratory. In this manner the Board enabled the defense to utilize the facilities in cases where the court deems their request for lab analysis as being important to the realization of justice.

The Board's final concern involved the legality of proposed coroner training at the Montana Law Enforcement Academy. There was a question as to whether coroners qualified for MLEA instruction. Attendant to this concern was sanction of such training by the Peace Officers Standards and Training Council. Advised of the Board's concern, Larry Lytle, MLEA Bureau Chief, assured the Board that coroners are entitled to Academy training provided sufficient means are found to deliver such training. If coroners can be compelled to seek MLEA training, Lytle concluded, MLEA is eager to provide it.

MONTANA BOARD OF FORENSIC SCIENCE

MEETING RECORD

28 June 1978

Chairman John Pfaff called the meeting to order on Wednesday, June 28, 1978, at 1:15 p.m. in the conference room of the Montana Board of Crime Control, Helena, Montana.

Attending Board members:

John Pfaff
Fritz Behr
Don White
Bob Chesterfield
Ray Lynch
Don Hellman
Gene Kiser
Mickey Nelson
Bob Griffith
Bob Harvie
John Jutila

Chairman Pfaff announced the following proxies:

Beverly Gibson for Bill Brinkel, of the Montana Association of Counties;

Jim Cashell for Wally Schumacher of the Montana Sheriffs and Peace Officers Association.

The Meeting Record of the previous meeting was approved as amended (see corrections to Resolutions #14, #21, #23); pages 4 and 5 of the Meeting Record for May 24, 1978, were amended as follows:

Page 4: Final paragraph is corrected to read: "Resolution #21: Amendment to H.B. 461: Primary Purpose 'Crime Lab.' The committee's purpose is to delineate the law enforcement priority of the Laboratory of Criminalistics. The Board examined the following questions: Is the term 'specimens' too oriented toward forensic pathology at the expense of other functions? Does the statutory language encourage debilitating defense tactics? Does the language encourage an overload of civil cases? Should the language REQUIRE A COURT ORDER TO REFER DEFENSE ORIENTED ANALYSES TO THE LABORATORY? (Paragraph ends on page 5; correction appears in emphatic type.)

Chairman Pfaff raised the matter of the Board's past decision to meet regularly throughout the summer and questioned the merit of adhering to that decision; achieving quorums during the summer months, he observed, may be difficult in light of member's vacation schedules and regular work commitments. Would the Board, he asked, reconsider that decision in favor of combining two monthly meetings into a single meeting in July or August?

After considerable discussion of various alternative meeting dates, the Board adopted Mr. Kiser's suggestion to hold a combined meeting in Missoula on August 15-16, 1978, and to conduct an inspection of the Criminal Investigation Laboratory in conjunction with the meetings.

Chairman Pfaff instructed the staff to make the necessary arrangements.

STAFF REPORT

Assistant Board Administrator Sharon Wolfe distributed travel claim forms to the members.

Board Administrator Lonn Hoklin informed the Board of developments surrounding the possibility of locating the Division of Forensic Science at the Montana Law Enforcement Academy Bureau (MLEAB) in Bozeman.

Mr. Hoklin recounted briefly the history of Department of Justice efforts to relocate MLEAB in accordance with a Montana Board of Regents resolution to remove MLEAB from the campus of Montana State University before the beginning of the fall academic quarter (1978). The Department, he said, was preparing to sign a lease for modular Academy buildings to be placed on property offered by the Gallatin Board of County Commissioners; the property is located at the site of the Rosary School near the MSU campus, and is available to MLEAB for ten years, free of charge. The Board, Mr. Hoklin said, may wish to consider the alternative of placing the Division of Forensic Science in a modular building similar to those of MLEAB upon the same site. Mr. Hoklin emphasized that this is merely another alternative among others for the Board to consider.

DISCUSSION

Chairman Pfaff called for committee reports.

Mickey Nelson, Chairman of the Personnel Resources Committee, asked that the Board defer resolutions proposed by his Committee until certain other matters had received the Board's consideration. Chairman Pfaff granted the request.

Fritz Behr, Chairman of Physical Resources Committee, stated that his Committee could offer no further resolutions concerning location and facilities for the Division of Forensic Science until various members had consulted their respective constituencies for guidance on those matters. Chairman Pfaff agreed.

Don White, Chairman of the Basic Operations and Planning Committee, offered the Committee's Resolution #24: Amendment to H.B. 461: (amended version of Resolution #21 which was tabled by Primary Purpose of "Crime Lab" Resolution #22 for further consideration).

The Committee recommended a change in language within the suggested amendment to clarify whether law enforcement officers or officials could refer scientific investigations to the Laboratory of Criminalistics. The Committee recommended that the statutory language read (H.B. 461, page 6, lines 1-5):

The laboratory's primary purpose is to perform analysis of specimens submitted by all Montana state, county or city law enforcement officials, and all state agencies. The laboratory may also accept referrals and specimens from other sources if accepted by the laboratory director.

Mr. White and Mr. Hoklin explained that the term "officer" has statutory significance with respect to powers and duties of state employees outside the criminal justice system, and that the Committee deemed the term too restrictive for the purposes of the Act.

Mr. Behr raised another issue concerning the final sentence of the proposed amendment (supra). He objected to the language "other sources" inasmuch as it would allow defense counsel to "deluge" the laboratory with defense-oriented investigations. Refusal by the laboratory director to accept defense-oriented referrals -- regardless of how well justified such refusal may be -- would allow defense counsels to charge that the laboratory had acted capriciously and arbitrarily toward defendants, Mr. Behr said. Such charges levelled within the context of courts and criminal proceedings, he said, would bolster defendants' positions at the expense of appropriate and otherwise sound prosecution. Mr. Behr observed that the Board, in dealing with the Meeting Record of May 24, 1978, had already revised the language in question as it relates to the Board's discussion of Resolution #21, striking previous language in favor of new language which stipulates that the Board would recommend that a court order be required for referral of defense-oriented analyses to the laboratory. Mr. Behr

suggested strongly that Resolution #24 be changed in accordance with the Meeting Record, that the final sentence of the proposed amendment within Resolution #24 read:

"The Laboratory may also accept defense related referrals and specimens upon an appropriate court order."

Bob Griffith inquired about the present policy concerning acceptance of defense-related referrals within the Criminal Investigation Laboratory Bureau.

Arnold Melnikoff, Chief of the Bureau, explained that he accepts no private or defense related referrals except upon court order. He also supported Mr. Behr's assertion that defense counsels can and do attempt to "swamp" the Bureau with frivolous referrals. Mr. Melnikoff recommended that the statute limit cases referred to the Laboratory of Criminalistics to evidentiary material attendant to criminal matters (insofar as practicable).

Mr. White agreed to withdraw Resolution #24 for additional consideration by his Committee.

On behalf of his Committee, Mr. White offered amendments to correct Resolution #23 which the Board adopted at its previous meeting. The revisions, he explained, were primarily aimed at correcting typographical errors and ensuring consistency of style. Mr. White suggested that concurrence of the Board by a vote would be preferable to a separate resolution to amend Resolution #23. Chairman Pfaff agreed.

The Committee's recommendations follow:

Resolution #23: Amendment to H.B. 461: Procedures Upon Suspicious Deaths (adopted on May 24, 1978):

EXPLANATION is revised to read (revisions underscored):

Resolved, that H.B. 462, Montana Forensic Science System Act, be amended as follows:

Page 7, lines 9-13, be amended to read:

Section 15. Procedures upon suspicious deaths.
(1) Before a body is embalmed, cremated or dissected, the coroner shall make or have performed any investigation he or she considers necessary whenever a death occurs or a body is found in his or her county and the death occurred under any of the following circumstances:

Be it further resolved that page 7, lines 14-25, and page 8, lines 1-4, having been stricken from the law by H.B. 461, be reinstated.

Mr. Nelson suggested that the term "body" be replaced with the term "deceased human body" in order to eliminate possible misinterpretation. The Board generally favored this change, but the consensus was to make such changes through a separate resolution that pertains to the entire Act.

Mr. Nelson raised another issue which centered on the term "investigation." Traditionally, he said, coroners inquire rather than investigate; investigations have been within the purview of peace officers who function within certain restrictions such as advising targeted individuals of their rights. Use of the term "investigation", Mr. Nelson suggested, requires clarification of whether a coroner is in fact a peace officer with the authority to investigate rather than merely to inquire. If such authority exists, or can be clarified through statute, Mr. Nelson said, he would not object to the term "investigation" in Resolution #23.

Mr. White disagreed with Mr. Nelson insofar as the definition of "investigation" related to Resolution #23; the term, he said, is clear under the law, and that tampering with it in the context of procedures upon suspicious deaths would cloud the Board's intent. He advised retaining the term within the language of Resolution #23.

Chairman Pfaff suggested that the Board dispose of Resolution #23 and deal with the issue of coroners' authority at another time. He then called for a vote on whether to adopt the Basic Operations and Planning Committee's Amendments to Resolution #23. The Board adopted the amendments unanimously.

On behalf of the Committee, Mr. White offered Resolution #25: Amendment to H.B. 461: Complete reinstatement of Section-15 -- Suspicious Deaths. Mr. White explained that because the Board had previously adopted a resolution to reinstate Section 15 as it was stricken from the law by H.B. 461, Resolution #25 sought to refer to Section 15 where appropriate. Thus, the resolution makes consistent the language appearing on page 10, line 5 (which was deleted by H.B. 461) concerning penalties for failure to report a "suspicious death" as described in the reinstated Section

15. The resolution also requires the renumbering of sections subsequent to the reinstated Section 15. Following a short discussion, the Board adopted Resolution #25 unanimously.

Mr. White offered on behalf of the Committee Resolution #26: Amendment to H.B. 461: Delete Section #23 -- Deaths in State Prison. Section 23 of H.B. 461, Mr. White explained, is not needed since Title 95, chapter 8 of the Revised Codes of Montana adequately covers the subject of procedures upon deaths occurring in state prisons. The Board agreed and adopted Resolution #26 unanimously, thus recommending deletion of Section 23 within H.B. 461 and renumbering subsequent sections accordingly.

On behalf of the Personnel Resources Committee, Mr. Nelson offered Resolution #27: Rescind Resolution #13: Secretarial Staff for Division of Forensic Science, which he characterized as a "housekeeping resolution." Resolution #13, he explained, contained provisions for staff that did not account for later Board findings in the adoption of a resolution to expand present Criminal Investigation laboratory services. Moreover, the subject of staff for the Medical Examiner is better left to a comprehensive resolution (to be offered later) that encompasses the ME's projected staff needs outside the framework of the laboratory itself, taking into account actual ME facilities, travel, methods of operation, etc. Mr. Behr agreed and supported adoption of Resolution #27. The Board adopted Resolution #27 unanimously.

Mr. Nelson offered on behalf of his Committee Resolution #28: Rescind Resolution #15: Qualifications for Coroner. While suggesting that the previously adopted Resolution #15 may be a workable blueprint for a legislative bill in the event that the 1979 Legislature rejects the Board's proposals for a Division of Forensic Science, Mr. Nelson stated his belief that the issue of coroners' qualifications, compensation and training requires a modified approach for insertion into H.B. 461. His Committee, he said, will offer such modifications in the form of resolutions to be finalized at the August meeting. The Board adopted Resolution #28 unanimously.

Mr. Nelson offered Resolution #29: Qualifications and Training for Coroners -- to be considered at August Meeting. The resolution called for Board decisions on these important matters at its forthcoming meeting; also set forth in the resolution were amended requirements relative to coroners'

qualifications and training. Following the Board's disposition of Resolution #29, Mr. Nelson said he will offer a similar "prototype" resolution dealing with the issue of coroner compensation. He stressed that adoption of these two remaining resolutions does not constitute the Board's approval of the qualifications, training requirements, and compensation set forth therein. The resolutions are merely to ensure that the Board considers the contained substance at its August meeting. These matters are important enough, concluded Mr. Nelson, that Board members should have the suggested prototype resolutions in hand well before the next meeting in order to give them proper attention and scrutiny.

The Board adopted Resolution #29 unanimously.

Mr. Nelson offered Resolution #30: Compensation for Coroners -- to be considered at August Meeting. The resolution contained prototype provisions for ensuring appropriate compensation for coroners. Mr. Nelson reiterated that adoption of Resolution #30 is not tantamount to Board endorsement of the actual amendments to H.B. 461 contained therein, but rather to ensure the Board's timely consideration of those matters.

The Board adopted Resolution #30 unanimously.

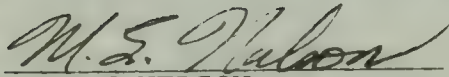
Considerable discussion accompanied disposition of Resolutions #28, #29 and #30. Because Mr. Nelson presented them as a package, a synopsis of that discussion follows:

Mr. White expressed concern over the manner of providing training to coroners as proposed by Mr. Nelson's package. Rescission of Resolution #15, he said, implies approval of Mr. Nelson's stipulation that MLEAB - not the Medical Examiner - be responsible for training coroners. This, he said, contradicts directly the specifications of Resolution #15. At the very least, Mr. White insisted on language specifying a primary role for the ME in coroner training, i.e., that MLEAB establish the prescribed course in cooperation with the ME. Mr. Nelson agreed and Bob Harvie raised the question of whether coroners are peace officers, and whether they are legally entitled to receive training by MLEAB. Attendant to his concern was sanction of such training by the Peace Officers Standards and Training Council (POST) and the MLEAB Advisory Council, in addition to MLEAB's capability and willingness to render such training.

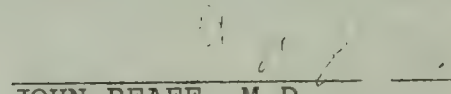
Mr. Behr suggested that since Larry Lytle (Bureau Chief of MLEAB) was on hand, the Board might profit by putting Mr. Harvie's questions directly to him.

Mr. Lytle joined the meeting and assured the Board that MLEAB defines coroners as peace officers, using as the criteria the coroners' authority (albeit somewhat limited) to make arrests. Mr. Lytle also assured the Board that MLEAB strongly believes that coroners are entitled to MLEAB training, provided that sufficient means are found to deliver such training. If coroners can be compelled to seek MLEAB training, Mr. Lytle concluded, MLEAB is eager to provide it.

Having no further business the Board adjourned at 3:45 p.m.



MICKEY NELSON,
Secretary-Treasurer



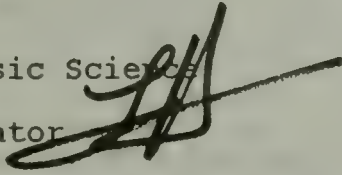
JOHN PFAFF, M.D.,
Chairman

15-16 AUGUST 1978

STATE
OF
MONTANA
ATTORNEY GENERAL
MIKE GREELY

STATE CAPITAL: HELENA, MONTANA. GEO. TELEPHONE: 406-441-1000.

MEMORANDUM

TO: Montana Board of Forensic Science 
FROM: Lonn Hoklin, Administrator
DATE: 7 August 1978
RE: Board meeting, 15-16 August 1978

1. Enclosed herewith are the Meeting Record for the 28 June 1978 meeting and copies of relevant statutes for use in the forthcoming meeting.

2. Meeting of 15-16 August 1978

A. 15 August 1978, Missoula:

7:30 p.m. - Inspection tour of Criminal Investigation Laboratory Bureau.

B. 16 August 1978, Missoula:

9:00 a.m. Committee meetings in Edgewater Hotel meeting room or in individual hotel rooms, whichever members prefer.

12:00 p.m. Lunch in Edgewater Hotel meeting room.

1:15 p.m. Full Board meeting in Edgewater Hotel meeting room.

3. Directions

A. The staff recommends that Board members check into the Village Red Lion Motor Inn (formerly the Edgewater) prior to 6 p.m., 15 August 1978, phone number is 728-3100; reservations have been made. Board members should personally pay for accommodations at the time of registration; though the

Board of Forensic Science will reimburse to the maximum allowable amount, members will bear a small additional expense because the Edgewater's rates exceed the maximum allowable per diem.

1. Location of the Edgewater: Follow the signs off the Van Buren exit from I-90; the hotel is located directly across the Clark Fork River from the U of M campus, immediately to the right of the Madison Street Bridge moving toward Broadway.

B. At 7:15 p.m., 15 August 1978, the staff will convene Board members in the lobby of the Edgewater to depart for the Criminal Investigation Laboratory. For those Board members who go alone, the lab is located in the basement level of the Wilma Building on North Higgins, immediately on the downtown side of the Higgins Bridge. The entrance is just to the right of the entrance to the Wilma Theater.

1. From the Edgewater: turn right on Madison and go one-half block to Broadway; turn left on Broadway and go approximately four blocks to North Higgins; turn left on Higgins and go approximately six blocks; the final building on the right before crossing the Higgins Bridge is the Wilma Building.

4. Agenda for Board Meeting

A. Staff Report:

1. Sharon Wolfe, Assistant Administrator, will distribute corrections mandated by the Board to previously enacted resolutions. Of primary concern is Resolution #14: Expansion of Crime Laboratory Services (Arnold Melnikoff's proposal which the Board adopted on 24 May 1978); Ms. Wolfe will distribute the corrected pages and will explain the corrections.
2. I will outline to the Board yet another possibility concerning the site of the Division of Forensic Science.
3. The staff will supply a financial report to the Board since Secretary/Treasurer Mickey Nelson will be absent.

4. I will present a short analysis of the Department of Justice projected budget as it relates to the Division of Forensic Science.

B. Basic Operations and Planning Committee:

1. Resolution #24: Amendment to House Bill 461: Primary Purpose of the "Crime Lab." At the previous meeting, chairman Don White withdrew the resolution for further consideration of whether certain language therein engendered abuse of the lab's services by defense counsels (see enclosed Meeting Record). Resolution #24 is unfinished business.
2. "Deceased human body": During the discussion of the Committee's proposed changes to Resolution #23, Mr. Nelson raised the issue of replacing the term "body" with "deceased human body" to eliminate possible misinterpretation. The Board generally agreed that this change be made, but the Committee felt that a new resolution encompassing the entire Act is a better alternative. The Committee may wish to act on this unfinished business.
3. Status of coroners as peace officers: During the discussion of the Committee's proposed changes to Resolution #23, Mr. Nelson raised the issue of whether coroners have authority to conduct investigations rather than inquiries. Since House Bill 461 and Resolution #23 employ the term "investigation," the Committee may wish to offer a resolution clarifying coroner's authority.
4. Additional revisions to House Bill 461: The Committee may wish to examine those portions of House Bill 461 not yet analyzed for revisions. In this connection, the Committee may wish to prepare positions on Resolution #29 and #30 as they relate to coroners' training, qualifications and compensation.

C. Personnel Resources Committee:

1. Resolution #29: Qualifications and Training for Coroners - to be considered at August meeting: By adopting this resolution, the Board legislated a slot in its August agenda to House Bill 461 embodied in the resolution. The Committee may wish to examine those proposed amendments with respect to its intent. Examples follow:

- a. Qualifications: The proposed amendment language requires newly elected or appointed coroners to take the oath of office and sign a letter of intent to complete training requirements. The language, however - as drafted - does not require coroners to abide by the letter of intent. The Committee may wish to draft resolutions which establish training as a duty of the office of coroner, stipulating that failure to perform that duty will result in disqualification (if such is the Committee's intent).
 - b. Training: The proposed amendment to House Bill 461 embodied in Resolution #29 de-emphasizes the primary role of the Medical Examiner in providing coroner training, combining this responsibility with the Montana Law Enforcement Academy Bureau (MLEAB). The Committee may wish to clarify its intentions in this respect, consulting with the Basic Operations and Planning Committee to establish whether this change contradicts other provisions of House Bill 461.
2. Resolution #30: Compensation for Coroners -to be considered at the August meeting: By adopting this resolution, the Board legislated a slot in its August agenda to reach conclusions on the proposed amendments to House Bill 461 embodied in the resolution. The Committee may wish to urge disposition of the resolution by the full Board.
 3. Medical Examiner Qualifications, Staff and Compensation: Because so little time remains for drafting legislative proposals, the Board desperately needs solid information and direction in the matter of ME requirements and costs. While it is unlikely that the Committee can furnish such material at the August meeting, the Board and staff could certainly make good use of proposals on how to proceed in gathering the needed information. The staff considers the matter a high priority, not only because the Department of Justice has begun preparation of its budget proposals to the next Legislature, but also because the staff must begin drafting the Report of the Board of Forensic Science for consideration at the fall meetings.

- D. Physical Resources Committee: The Committee may wish to offer discussion or resolutions pursuant to input from Board members' respective constituent groups. Mr. Behr, the chairman, cautioned during the previous meeting that the matter of a site for the Division of Forensic Science cannot await the Board's decision much longer. The staff agrees. The Board's discussion of this matter may be influenced by the staff's report on site alternatives and the Department of Justice budget.
5. The staff hopes that each of you has had a great summer thus far, and we look forward to seeing you in Missoula. The Attorney General asked me to extend his personal best wishes to each and every one of you. Don't forget to bring all the material issued thus far.

MEETING RECORD

August 15-16, 1978

A SUMMARY REPORT

On August 15th the Board gathered to receive an on-site tour of the criminalistics laboratory in Missoula. Divided into small groups, the Board received briefings by lab personnel on the functions and capabilities of the laboratory. Although lengthy, the tour and demonstration proved valuable insofar as Board members observed firsthand examples of equipment, processes and people involved in crime laboratory operations. The tour gave substance to what previously were abstract terms in the minds of several members.

Several observations evolved from the Board's tour. Discussions of these observations gave rise to the following conclusions:

1. The laboratory is very crowded in terms of available workspace and equipment.
2. The chain of evidence is very "tough" but an unavoidable requirement that bears directly on the laboratory's mission and procedures.
3. Security (vis-a-vis custody and chain of evidence) is presently a problem which the Board should consider when evaluating alternatives for facilities of a Division of Forensic Science.
4. The laboratory does an "outstanding" job despite its present budgetary and space limitations.
5. The tour placed in perspective and gave additional credence to the Board's enactment of Resolution #14 to expand laboratory services and facilities.

The Board's general consensus is that the present crime laboratory facilities "simply are not suitable" to the tasks and mission for which the lab was created. Expansion of the existing laboratory would be a necessity for the complete and effective operation of the Forensic Science Division.

On behalf of the Attorney General, Lonn Hoklin presented to the Board an additional option concerning location and facilities for the Division of Forensic Science. In view of the Justice Department's recent approval to assume for its use the Scott Hart Building in Helena, the Attorney General

offered to allocate a portion of the building for the Division of Forensic Science. This use would be contingent on the adequacy and economy of such space and of legislative approval. The advantages of locating within a state-owned facility are permanency and economy. Proximity to the administrative center of the Justice Department and its law enforcement related agencies is yet another.

During the August 16th meeting of the Board, a video tape report on the modular buildings to be used for relocating the Law Enforcement Academy was shown. The emphasis of the report was on the possibility of locating the Forensic Science Division in similar buildings. Discussion on this alternative was deferred until cost and construction needs could be made available.

Following the report, the Board was asked to provide input from individual member's constituencies concerning location of the Division. Subsequent discussion revealed the need for construction/remodeling and cost guidelines which reflect the special requirements of a forensic science system. To obtain this information the Committee on Physical Resources offered to retain an architectural consultant with a background in laboratory design. Based on the consultant's report, the Board and their constituents would be better able to assess the physical and economic appropriateness of proposed sites.

MONTANA BOARD OF FORENSIC SCIENCE

MEETING RECORD

August 15-16, 1978

The following Board Members convened at 7:30 p.m., at the Criminal Investigation Laboratory in Missoula, Montana, on 15 August 1978:

Fritz O. Behr
Wally Schumacher
Don White
Dale Dye
Bob Griffith
Robert Harvie
Don Hellman
Gene Kiser
John Jutila
John Newman
Bob Chesterfield
Ray Lynch

Also present were Board Administrator Lonn Hoklin, Assistant Administrator Sharon Wolfe, Criminal Investigation Laboratory (CIL) Bureau Chief Arnold Melnikoff, Department of Justice Assistant Bruce McGinnis and the CIL scientific staff. The Board gathered to receive an on-site tour of the laboratory and a briefing by the CIL staff.

Mr. Melnikoff described and demonstrated the route of evidence through the laboratory, pointing out that most evidentiary material arrives by mail. He explained that each CIL staff member maintains a workbook to document the chain of evidence for each item received. This technique allows cross referencing and documentation both internally and by submitting agencies. Each piece of evidence, he explained, receives an identifying number to facilitate proper routing, documentation and custody/chain of evidence.

Mr. Melnikoff and the CIL staff then demonstrated and explained the various functions of the wide array of equipment in the laboratory. Board Members received detailed explanations of laboratory functions and saw demonstrations of comparison microscopy and photography (automated Wild Photoautomat MPS 55 with Leitz Wetzlar comparison microscope), chemical and microbiological testing (gas chromatographs, evaporators, etc.), serology, recording and documentation.

The tour and demonstrations were lengthy but valuable to the Board (as the Meeting Record will show later), insofar as Board Members saw first-hand examples of equipment, processes and people involved in crime laboratory operations. The tour gave substance to what previously were abstract terms in the minds of several Members.

The gathering adjourned at 9:45 p.m.

On 16 August 1978, Vice Chairman Robert Harvie convened a joint committee meeting at 9:25 a.m. at the Village Red Lion Motor Inn, Missoula.

Mr. Harvie recognized Mr. Behr, Chairman of the Physical Resources Committee, who summarized his Committee's conclusions with respect to the previous evening's tour of CIL. Subsequent discussion by the Board generally affirmed Mr. Behr's conclusions that:

1. The laboratory is very crowded in terms of available workspace and equipment.
2. The chain of evidence is a very "tough" but unavoidable requirement that bears directly on the laboratory's mission and procedures.
3. Security (vis-a-vis custody and chain of evidence) is presently a problem which the Board should consider when evaluating alternatives for facilities of a Division of Forensic Science.
4. The laboratory does an "outstanding" job despite its present budgetary and space limitations.
5. The tour placed in perspective and gave additional credence to the Board's enactment of Resolution #14 to expand laboratory services and facilities.

Dr. Newman offered follow-up observations on his own behalf, stating that he did not intend to disagree with the above conclusions of the Physical Resources Committee: The laboratory, he said, was housed in the "worst physical plant" he had seen throughout his long experience; the

laboratory personnel, he said, "are in jeopardy of their lives," due to overcrowding and the nature of their work. The present physical plant, he observed, is akin to "putting the Highway Patrol in Model T's."

Mr. Chesterfield suggested that -- in light of his personal conclusion from the tour -- the Board stress to the forthcoming Legislature that present crime laboratory facilities "simply aren't suitable" to the tasks and the mission for which the laboratory was created.

Dr. Newman agreed, adding that "things can't continue in a situation like this." The present physical conditions, he declared, ensure that "less than optimal work is being done."

Mr. Dye stated that the Board's foremost objective should be to improve CIL's present facilities, even if doing so necessitates "sacrificing" the Medical Examiner system altogether.

Dr. Newman wondered aloud at the maintenance of some laboratory equipment and whether the current funding level is sufficient for proper maintenance.

Chairman Harvie recognized Mr. Hoklin who, on behalf of the Attorney General, presented an additional option concerning location and facilities for the Division of Forensic Science. The previous week, Mr. Hoklin explained, the Department of Justice had received approval to assume for its own facilities' needs the Scott Hart Building (to be vacated by the Department of Highways) in Helena. The attorney General, he said, would make available up to half the fifth floor of the Scott Hart Building, approximately 3,000 square feet, for the use by the Division of Forensic Science if the Board established that the space was suitable and economical, and if the Legislature were to approve. The rent, Mr. Hoklin explained, would be \$2.25 per square foot and would include utilities and maintenance. Permanency, he said, is an advantage associated with locating the Division in a state-owned facility. Yet another is proximity to the administrative center of the Department of Justice and its other law enforcement agencies.

Chairman Harvie raised a logical question emanating from Mr. Hoklin's presentation: How critical to the operation

of a criminalistics laboratory is a close association with a University? In previous discussions, Mr. Harvie reminded the Board, this consideration always emerged as a significant, if not high priority, in selecting a site for the Division of Forensic Science. Mr. Harvie recognized Mr. Melnikoff.

The answer to the question, said Mr. Melnikoff, is that close association with a University is not critical, provided that the laboratory has sufficient resources to duplicate services now provided by the University of Montana. Examples are scientific library resources, purchases of chemicals from University chemical stores at lower bulk rates, and resident scientific expertise to assist the laboratory in its operation free of charge. Thus, concluded Mr. Melnikoff, cost is the critical factor in contemplating the duplication of such services, not the services themselves.

Mr. Harvie than called upon Mr. White, Chairman of the Basic Operations and Planning Committee, to present his Committee's business. Mr. White explained that he had prepared a new draft of Resolution #21 (concerning the primary purpose of the Laboratory of Criminalistics) as directed by the Board at its previous meeting. Ensuing discussion of the draft resulted in additional changes in the draft which the later Meeting Record reflects.

Having no further Committee business, Chairman Harvie adjourned the joint committee session at 11:30 a.m.

Vice-Chairman Harvie called to order the full Board session at 1:30 p.m., 16 August 1978, at the Village Red Lion Motor Inn, Missoula, and announced the following proxies:

John Malletta for the Montana Funeral
Directors Association (ex officio);

Beverly Gibson for William Brinkel;

Al Rierson for Mickey Nelson.

STAFF REPORT

Assistant Administrator Sharon Wolfe furnished corrected cost projections for expansion of crime laboratory services

appearing in the body of Resolution #14. The corrections, she explained, were arrived at through her consultations with Mr. Melnikoff who drafted the proposal which resulted in the Board's enactment of Resolution #14. The Board noted Mrs. Wolfe's corrections and accepted them unanimously.

Mr. Hoklin announced a delay in the financial report due to unforeseen expenses incurred with the present meeting. When travel and per diem vouchers have been received for this meeting, he said, the Central Services Division of the Department of Justice will supply a detailed financial report.

Mr. Hoklin also informed the Board of minor typographical errors in the Meeting Record of 28 June 1978.

Dr. Newman moved to accept the corrected Meeting Record and Mr. Dye seconded. The Board accepted the Meeting Record of 28 June 1978 unanimously.

Mr. Hoklin stated for the Record that the Attorney General had offered for the Board's consideration space on the fifth floor of the Scott Hart Building, as a possible site for the Division of Forensic Science.

DISCUSSION

Mr. Griffith noted that during the previous meeting Mr. Nelson had offered Resolutions #29 and #30 to secure the Board's consideration of several important issues during the August meeting. Since Mr. Nelson and Chairman John Pfaff were unable to attend the August meeting, Mr. Griffith moved that the Board defer consideration of the draft resolutions embodied in Resolutions #29 and #30 until the September meeting. Mr. Behr seconded. NOTE: Mr. Griffith's motion appears as Resolution #31. Rescission of Nelson's Resolutions: Deferral. Resolution #31 was enacted unanimously.

Resolution #31 raised the issue of the status and role of the coroner within the criminal justice system. Mr. Rierson expressed his strong support of legislation to establish reasonable compensation for coroners. Mr. Dye agreed, adding that such legislation should include mandatory coroner training as outlined in the Nelson Resolution #30.

Mr. Chesterfield asked whether a per case compensation or annual compensation is preferable. Mr. Rierson answered that annual compensation in a fixed figure is preferable in order to ensure the availability and performance of coroners; "you never know just how many cases you'll have in a year," he said. Annual compensation, he said, allows county governments to program accurately, whereas per case compensation does not.

In further response to Mr. Chesterfield's questions concerning lower compensation for coroners in small counties, Mr. Rierson expressed his support for establishing compensation levels on the basis of county population.

Mr. Malletta questioned the assumption that County Commissioners are "not qualified to set compensation for coroners."

Commissioners, responded Mr. Rierson, often do not understand the needs of law enforcement for coroners' investigations and coroners' training. Mr. Dye suggested that Commissioners are often prone to emphasize those programs that generate revenue for local government, rather than those like law enforcement that do not.

Subsequent discussion between Mr. Malletta, Mr. Dye and Mr. Rierson underscored a point often noted by the Board in earlier discussions: different counties do things in different ways. Some combine the offices of sheriff and coroner. Some do not. Some have no coroner. Few compensate like another, or at the same rate.

Mr. Chesterfield expressed concern over the effects of a minimum compensation level of \$10,000 annually (a hypothetical figure) in small counties like Judith Basin. In response, Mr. Dye supported the principal of allowing counties an option of whether to participate in a state forensic science system, wholly or in part. A mandatory system with mandatory compensation levels, he said, would definitely engender the opposition of County Commissioners.

Mr. Rierson supported this suggestion and elaborated. Allowing combinations of the offices of sheriff and coroner would allow small counties more flexibility in coming to grips with the issue of trained coroners and mandatory compensation, he said.

Chairman Harvie recognized Mr. Behr, Chairman of the Physical Resources Committee, who called upon Wally Schumacher to present a video tape report on the modular buildings presently under construction for the Montana Law Enforcement Academy Bureau (MLEAB). Following Mr. Schumacher's fifteen minute presentation, Mr. Behr asked the Board to provide input from individual Member's constituencies concerning location of the Division of Forensic Science.

Mr. Kiser observed that such input cannot come until Members have information on the costs of the various physical plant proposals. Mr. Behr answered that preliminary cost estimates are forthcoming from the contractor associated with the modular buildings, and that the Physical Resources Committee is preparing construction/remodeling guidelines which reflect the special requirements of a criminalistics laboratory and forensic science system. Further, stated Mr. Behr, his committee will develop a resolution to place before the Board at its September meeting, addressing the matter of siting on the basis of the Committee's interim findings. The Committee will, he said, attempt to identify and retain an architectural consultant with a background in laboratory design to assist the Board in evaluating physical plant proposals. The Board expressed general support of Mr. Behr's idea, and Dr. Newman offered to supply physical plant requirements of the Medical Examiner.

Chairman Harvie called upon Don White, Chairman of the Basic Operations and Planning Committee, to present an amended Resolution #21, concerning the primary purpose of the Laboratory of Criminalistics (seconded by Dr. Newman). Following his initial presentation of Resolution #21 at the previous meeting, the Board expressed its wish to stipulate that the laboratory may not accept referrals of scientific investigations from sources other than law enforcement officials except upon order by a court. Mr. White's new Resolution #32: Disposing of Resolution #21 - Primary Purpose of Lab, answered the Board's concerns and was enacted unanimously.

Chairman Harvie raised the question of legal definitions of terms contained in H.B. 461, Montana Forensic Science System Act, and called for a motion to refer the bill to the

staff to develop definitions of such terms as "body" (i.e., "deceased human body") for later presentation to the Board. Mr. Dye offered such a resolution (#33: Development of Legal Definitions) which Mr. White seconded. The Board unanimously enacted Resolution #33.


Chairman Harvie recognized Mr. Rierson who pledged his whole-hearted support toward legislative approval of a comprehensive state-wide forensic science system. He urged the Board to call upon him for help in securing approval for its recommendations. He also suggested that the Board instigate a tour of the existing CIL by Legislators in order to demonstrate in material terms the needs of a scientific criminal investigation operation.

Dr. Newman suggested to acting Chairman Harvie that future Board meetings be conducted with a more formal seating arrangement, whereby non-Board members are seated away from the Board. "It's becoming difficult," he said, "to tell Members of the Board from non-Members." He also suggested that non-members not contribute to discussion except upon formal recognition by the Chairman. Chairman Harvie agreed to communicate this suggestion to Dr. Pfaff, the permanent Chairman of the Board.

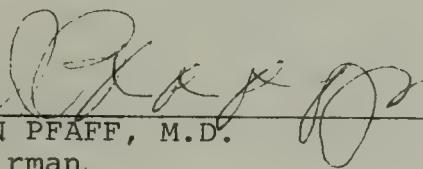
In subsequent discussion, the Board agreed to hold its September meeting in Helena, to meet in Committees at 9:00 a.m. on 27 September 1978, and to conduct an on-site inspection of the fifth floor of the Scott Hart Building at 11:00 a.m. The full Board will convene at 1:15 p.m.

Having no further business, Chairman Harvie adjourned the meeting at 2:50 p.m.


Respectfully submitted,



MICKEY NELSON
Secretary-Treasurer



JOHN PFAFF, M.D.
Chairman



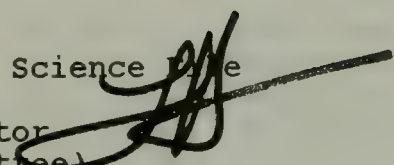
ROBERT A. HARVIE
Acting Chairman

27 SEPTEMBER 1978

STATE
OF
MONTANA
ATTORNEY GENERAL
MIKE GREELY

STATE CAPITOL, HELENA, MONTANA 59601 TELEPHONE (406) 449-2026

MEMORANDUM

TO: The Montana Board of Forensic Science 
FROM: Lonn Hoklin, Board Administrator
(Member of Coordinating Committee)
DATE: 13 September 1978
RE: Retaining Architectural Consultant

On 13 September 1978, the Physical Resources Committee unanimously submitted the following recommendation to the Coordinating Committee for its approval:

To retain an architectural consultant to evaluate three proposals for facilities to house the Division of Forensic Science, providing both written and oral reports on needed modifications and remodeling for each proposal, together with comparative cost projections.

During the morning of 13 September 1978, I polled members of the Coordinating Committee to obtain votes on this issue. According to the Meeting Record of the Montana Board of Forensic Science, 25 January 1978, page 3, the Coordinating Committee was created by resolution to authorize and coordinate the respective Committee's needs in terms of dispensing Board funds toward retaining consultants. Coordinating Committee members are:

John Pfaff
Fritz Behr
Don White
Mickey Nelson
Lonn Hoklin

The results of the poll are:

John Pfaff - voted yes, with the qualification that consultant fees in this instance not exceed \$5,000 without additional approval by the Coordinating Committee.

Mickey Nelson - voted yes, with the qualification that consultant fees in this instance not exceed \$5,000 without additional approval by the Coordinating Committee.

Don White - unavailable (on vacation).

Fritz Behr - As chairman of the Physical Resources Committee, Fritz Behr concurred in the unanimous recommendation to the Coordinating Committee during the 12 September 1978 meeting of the Physical Resources Committee. Mr. Behr asked me to record his yes vote as a member of the Coordinating Committee.

Lonn Hoklin - with this memorandum I record my yes vote, with the qualification that consultant fees in this instance not exceed \$5,000 without the additional approval by the Coordinating Committee.

The voting members of the Coordinating Committee have agreed to forward to me written documentation of their votes on this matter.*

* = All confirming memoranda or letters are attached.



*forensic
corres.*

COLUMBUS HOSPITAL: ESTABLISHED IN 1892 BY SISTERS OF PROVIDENCE
500 15th AVE. SO. P.O. BOX 5013, GREAT FALLS, MT. 59403 (406) 727-3333

September 13, 1978

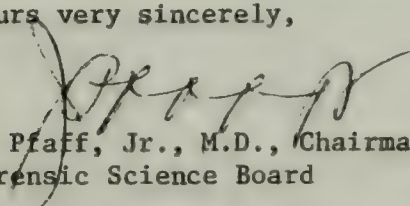
SEP 14 1978

Mr. Lonn Hoklin
Executive Assistant to the Attorney General
Office of the Attorney General
Capitol Building
Helena, Montana 59601

Dear Mr. Hoklin:

With respect to our telephone conversation of today I am in favor of retaining an architect consultant as you propose with a financial expenditure for this consultant of up to \$5,000.

Yours very sincerely,


J. Pfaff, Jr., M.D., Chairman
Forensic Science Board

JP:jf



OFFICE OF THE CORONER

LEWIS AND CLARK COUNTY COURTHOUSE

228 BROADWAY

HELENA, MONTANA 59601

PHONE 406-442-7398

M. E. "Mickey" NELSON
CORONER

Mr. Lonn Hoklin, Executive Assistant
Attorney Generals Office
Capitol Station
Helena, MT 59601

Dear Lonn,

This letter would serve as a permanent record in showing that I cast a yes vote via phone on 13 SEP 78 for hiring Crossman Whitney & Griffin-Architects for the firm to give the Montana Forensic Science Board a cost estimate on setting up the Division of Forensic Science. However this yes vote is only good as long as the cost remains below \$5,000.00.

Truly,

A handwritten signature in cursive script, reading "M. E. Nelson".

M.E. "Mickey" Nelson, Coroner

STATE
OF
MONTANA
DEPARTMENT OF JUSTICE
LAW ENFORCEMENT SERVICES DIVISION

State Capitol, Helena, Montana 59601 (406) 449-2026

TO: LONN HOKLIN, EXECUTIVE ASSISTANT TO ATTORNEY GENERAL

FROM: FRITZ O. BEHR, ADMINISTRATOR, LES DIVISION

DATE: 15 SEPTEMBER 1978

SUBJECT: RECOMMENDATION THAT CROSSMAN, WHITNEY AND GRIFFIN
(ARCHITECTS) BE RETAINED AS CONSULTANTS BY BOARD
OF FORENSIC SCIENCE

This memo will confirm to you, in your capacity as Administrator of the Board of Forensic Science, my verbal approval, given September 12, 1978 (at Physical Resources Committee meeting held at LESD conference room) the recommendation that the Steering Committee of the Board of Forensic Science authorize the expenditure of available monies required for the retention of the firm of Crossman, Whitney and Griffin (architects) as consultants for the purpose of evaluating the three (3) available sites proposed as possible locations for the Division of Forensic Science - viz:

- 1) Scott Hart Addition (Highway Dept. Bldg.)
Helena, Montana - 5th Floor
- 2) Pharmaceutical Bldg., University of Montana
Missoula, Montana
- 3) Rosary School site
Bozeman, Montana (for possible modular buildings)

FOB/lm

MEMORANDUM

25 September 1978

To: Montana Board of Forensic Science

From: Lonn Hoklin, Administrator

Subject: Meeting Agenda, 27 September 1978,
and Related Matters.

1.) As the Board decided at its August meeting, the Committees will convene at their regular meeting rooms at 9:00 AM, Wednesday, 27 September 1978, for their regular meetings. At 11:00 AM, the Committees will adjourn to the Montana Board of Crime Control conference room, whereupon the Board will leave for an inspection tour of the fifth floor of the Scott Hart Building. The tour will not take long, so the Committees may wish to reconvene to conduct further business before lunch. The full Board will convene at 1:15 PM in the main conference room of the Montana Board of Crime Control.

2.) Attachments:

A.) My 13 September 1978 memo to the Board file documents action by the Physical Resources Committee at its interim meeting the previous day. The memo also documents my action on behalf of the Committee to obtain approval by the Coordinating Committee to expend Board funds in retaining an architectural consultant for assistance in evaluating proposals to house the Division of Forensic Science. As Fritz Behr and members of the Physical Resources Committee will attest, the firm of Crossman, Whitney and Griffin Architects was selected for its background in forensic laboratory design.

B.) Also attached for Board Members' records are the letters of confirmation

from the Coordinating Committee, documenting that Committee's votes on expenditures to retain architectural consultants.

C.) The final attachment is the contract executed by the consultants and the Attorney General (representing the Board of Forensic Science). Please note the exhibits incorporated into the contract: these are the specifications and guidelines established by the Physical Resources Committee for the consultant to follow in formulating his recommendations.

3.) Meeting Agenda:

A.) Discussion of Meeting Record of previous meeting.

B.) Staff Report:

- i. Financial status report of the Board of Forensic Science (Hoklin).
- ii. Presentation of staff resolution on legal definitions within H.B. 461 (Wolfe).
- iii. Presentation of staff resolution of appreciation for the assistance rendered by Bruce McGinnis (Hoklin).
- iv. Presentation of staff resolution authorizing expenditures to begin production of the Board's report to the Legislature (Hoklin).

C.) Physical Resources Committee report on interim activities.

D.) Personnel Resources Committee: disposition of Nelson's draft resolutions on training and compensation of coroners.

E.) Basic Operations and Planning Committee:

- i. Presentation of additional resolution concerning amendments to H.B. 461 (if any are needed).
- ii. Formation of a Board of Legislative Liason Committee (new business).

MEETING RECORD

September 27, 1978

A SUMMARY REPORT

During the Board's August 15-16th meeting, it was agreed to utilize the expertise of an architectural firm to obtain recommendations on prospective sites for the Division of Forensic Science. The architectural firm Crossman, Whitney and Griffin was retained to provide these services. Indicated in the Firm's contract is the provision for evaluating the following sites: Helena Scott Hart Building; Missoula - University of Montana Pharmacy; and Bozeman - Rosary School, site adjacent to the Montana Law Enforcement Academy. A fourth site at the old Columbus Hospital in Great Falls was included in the Firm's contract following a proposal from Cascade County. A report from the architects on the above sites will be provided at the October meeting.

To obtain information on funding and salaries associated with a forensic science system, thirteen states operating under medical examiner systems were sent letters to acquire the following information:

1. The total annual forensic budget for the state;
2. The annual salary of the chief medical examiner;
3. The annual salary or other form of remuneration for associate medical examiners (pathologists), if any;
4. The approximate average salary or other form of remuneration for coroners;
5. The annual salary for the director of the criminalistics laboratory.

Response to the above inquiry has been very good. The information obtained was forwarded to the Personnel Resources Committee for their examination and subsequent recommendations. A report on these recommendations is expected during the Board's October meeting. (A summary of this survey is provided in Chapter six.)

To this date, a great deal of the Board's energies have been directed towards House Bill 461. As professionals

associated with medicine, law and government, the Board deemed it important to apply their expertise to amend incongruities in the bill. The objective was to operationalize a forensic science system which adequately met the unique and multifaceted needs of Montana. As individuals who would work closely with a forensic science system, the Board was in a position to provide the input necessary to meet these needs.

As the Board was to later realize, the needs of Montana regarding a forensic science system are many and diverse. Recently, several professional associations throughout Montana (e.g., County Attorneys' Association, Chiefs of Police Association) have pressed the Board to adjust their efforts toward obtaining funding for the Forensic Science Division. Without such funding there was felt to be little chance of meeting the many expectations of a forensic science system. Responding to these concerns in their September meeting, the Board unanimously agreed to return to the original bill as written and seek funding without amendments. The Board would also direct its attention toward rule promulgation.

In an effort to expedite the drafting of rules and regulations, the Board agreed to contract assistance. Under the auspices of the Attorney General this individual would be responsible for drafting the Division of Forensic Science rules and regulations. A contract with an individual charged with publishing the "Report of the Montana Board of Forensic Science: 1977-1978" was also established.

The meeting closed with the information that Montana State University had offered the use of autopsy facilities to the Division of Forensic Science should it be located in Bozeman. The president of MSU, it was advised, favored locating the forensic lab in Bozeman and offered his complete cooperation.

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MIKE GREELY

STATE CAPITOL, HELENA, MONTANA 59601 TELEPHONE (406) 449-2026

MONTANA BOARD OF FORENSIC SCIENCE

MEETING RECORD

September 27, 1978

Chairman John Pfaff convened the Board at 1:30 p.m. in the Board of Crime Control conference room in Helena, Montana, on 27 September 1978. The following Members attended:

John Pfaff, Chairman
Fritz O. Behr
Wally Schumacher
Bob Griffith
Robert Harvie
Gene Kiser
John Newman
Ray Lynch
Bob Chesterfield
Bill Brinkel
Mickey Nelson

Chairman Pfaff announced the following proxy:
Mr. Jim Spall for Mr. Don White

Also present were: Board Administrator Lonn Hoklin; Assistant Administrator Sharon Wolfe; Criminal Investigation Laboratory (CIL) Bureau Chief Arnold Melnikoff; Department of Justice Assistant Bruce McGinnis; Chuck O'Reilly, Assistant POST Director, Board of Crime Control; Wayne Whitney, Architect, and Bev Gibson, Association of Counties.

Chairman Pfaff called for the Physical Resources Committee report in deference to Mr. Whitney.

PHYSICAL RESOURCES COMMITTEE REPORT

Fritz Behr stated at the previous Board meeting that the Committee would soon make a recommendation on a site for the Division of Forensic Science. Since then the Committee met and received permission from the Coordinating Committee to retain Mr. Whitney's Firm as a consultant in order to survey three sites: the sites are: Helena - Scott Hart Building; Missoula-University of Montana, Pharmacy; and Bozeman - Rosary School, site adjacent to MLEAB. Mr. Hoklin distributed copies of the consultant contract.

Mr. Behr stated on September 21, the Physical Resources Committee surveyed the Missoula site. On September 26, Lonh Hoklin and Wayne Whitney surveyed the Bozeman site; on September 27, representatives of Cascade County approached the Committee with another proposal for a site, which the Committee will examine.

Mr. Wayne Whitney (Crossman, Whitney and Griffin, Architects) stated he had surveyed two of the sites to date. Concerning the Scott Hart Building, Mr. Whitney stated he must study the state building codes as well as remodeling costs and other factors. After completing the surveys, he said, he will develop a report with recommendations. These recommendations will be given to the Physical Resources Committee at the October meeting.

Mr. Behr distributed a copy of the Cascade County proposal to the Board. Mr. Hoklin stated he was notified last spring of Cascade County's interest in presenting a proposal for siting the Division in the old Columbus Hospital facility. Mr. Behr distributed a copy of the recommendations by the Physical Resources Committee to examine the Great Falls site. Mr. Behr said that Mr. Whitney will report to the Physical Resources Committee at the October meeting; Mr. Behr will prepare the Committee's response to the full Board.

In accordance with the Physical Resources Committee's recommendations and Mr. Whitney's assurance that total compensation to the consultant will not exceed \$5,000, Mr. Behr moved that the Great Falls site be included for evaluation by Mr. Whitney's firm through an amendment to the contract by mutual consent of the contracting parties. John Newman seconded the motion which the Board enacted unanimously. Dr. Newman then furnished his written suggestions concerning the ME's physical plant requirements to Mr. Whitney.

STAFF REPORT

Sharon Wolfe noted that Resolution #33 was missing from the Meeting Record of 16 August 1978, and that it will appear with the subsequent Meeting Record. The Board accepted the corrected Meeting Record of 16 August unanimously.

Chairman Pfaff stated his intention to send a letter to Mr. Melnikoff on behalf of the Board, thanking him for the tour of the Criminal Investigation Laboratory in Missoula. The Board had no objections.

Ms. Wolfe furnished copies of the monthly Expenditure Report to the Board. Mr. Hoklin stated the balance of the budget is \$20,343.38. Ms. Wolfe requested \$4.75 from each Board Member whose spouse attended the luncheon in Missoula.

Mr. Hoklin asked the permission of the Board to send a letter to Bruce McGinnis, the summer intern, thanking him for his assistance to the Board. Permission was granted.

PERSONNEL RESOURCES COMMITTEE REPORT

Mickey Nelson, Chairman, revealed that Ms. Wolfe drafted and sent letters to thirteen states, seeking the following information:

1. The total annual forensic budget for the state.
2. The annual salary of the chief medical examiner.
3. The annual salary or other form of remuneration for associate medical examiners (pathologists), if any.
4. The approximate average salary or other form of remuneration for coroners.
5. The annual salary for the director of the criminalistics laboratory.

Mr. Nelson said the Committee has received one response to date; the Committee will report to the Board as other responses are received.

Mr. Nelson then took up the matter of Resolution #29, concerning mandatory training for coroners at the Montana Law Enforcement Academy Bureau (MLEAB). Dr. Newman asked whether the statutory changes embodied in Resolution #29 would require such training for deputy coroners as well. Mr. Nelson responded affirmatively and observed that the Montana Coroner's Association was generally in strong support of the concept.

Gene Kiser asked whether the coroners would seek legislation addressing the issue, with or without the Board's support. He expressed concern that sparsely populated counties with few revenue resources would oppose the mandatory aspect of such legislation. This concern, he said, extended equally to Resolution #30 (mandatory compensation of coroners).

Bill Brinkel expressed opposition to the mandatory aspects of Resolutions #29 and #30 for the same reasons suggested by Mr. Kiser. At the very least, said Mr. Brinkle, the state should cover the costs of any mandatory training and compensation imposed on counties with respect to coroners.

The Board also discussed the idea of using the term "death investigator" in conjunction with "coroner" in order to apply to those counties which have eliminated the office of coroner, or may yet do so under local government options.

Bob Harvie moved to amend Resolution #29 to read as follows: "Be it further resolved that the Medical Examiner, in cooperation with the Montana Law Enforcement Academy, shall

establish and present an advanced Coroner course of study annually, and that every County Coroner, whether elected or appointed shall complete the advanced Coroner course of study at least once within every three year period after completion of the Basic Coroner Course of Study, and that a County Coroner shall be disqualified from holding that office for failure to meet this requirement." Mr. Schumacher seconded the amendment, which carried unanimously. A new motion to approve Resolution #29 failed, with one vote in favor (Mr. Nelson) and one abstaining (Mr. Behr).

Bill Brinkel moved to refer Resolution #29 back to the Committee for further study with an eye to removing "mandatory" language. Bob Griffith seconded the motion. The motion carried unanimously. Mr. Nelson reminded the Board that Resolution #29 (mandatory training) is fundamental to Resolution #30 (mandatory compensation), since the latter is in part justified by the former.

Mr. Nelson then presented Resolution #30 to the Board, suggesting that annual coroner compensation be set prior to the deadlines for primary election filing so that potential coroner candidates can decide whether to run. After considerable discussion underscoring that Board action in this regard is by no means binding, the Board unanimously adopted Resolution #30, omitting Mr. Nelson's suggestions.

The Board recessed at 2:40 p.m. and reconvened at 3:10 p.m.

BASIC OPERATIONS AND PLANNING COMMITTEE REPORT

Dr. Newman, acting chairman, examined the question of why the Board was established. The basic purpose, his committee concluded is to set rules and regulations. He alluded to the County Attorney's Association's recommendation that the Board implement H.B. 461 instead of trying to change it.

Mr. Spall had spoken with Don White who--on behalf of the County Attorneys--had urged that the primary emphasis be securing legislative funding for the bill. Mr. Harvey and Mr. Schumacher agreed. Bob Griffith reported similar views expressed by Chiefs of Police at their association convention.

Dr. Newman introduced Chuck O'Reilly, Assistant Director of the Peace Officers Standards and Training Council. Mr. O'Reilly, former staff member of the Task Force on Criminal Justice Standards and Goals, urged the Board to avoid the "grave error" of focussing on the legal aspects of HB 461. A better priority, he said, is to secure funding for a state forensic science system, issuing rules and regulations after hiring a Medical Examiner and the necessary staff.

After further discussion, Dr. Newman moved that the Board return to the original bill as written and seek funding without amendments. Mr. Griffith seconded. The motion carried unanimously (Resolution #39).

Dr. Newman suggested that rules and regulations be drafted immediately.

Mr. Harvie moved that the Board request the Attorney General's Office and direct the Coordinating Committee to provide for drafting rules and regulations for the Board's approval. Mr. Brinkel seconded the motion, which carried unanimously (Resolution #40).

Mr. Behr said that Resolution #40 should be amended to read as follows: Hire additional staff or provide contracted services to assist Lonn Hoklin and Sharon Wolfe in analyzing resolutions enacted by the Board to date. Mr. Brinkel seconded and the amendment passed unanimously (Resolution #41), after the Board established a compensation limit of \$5,000.

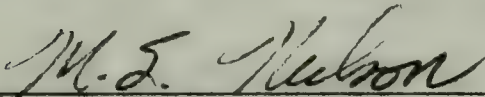
After Mr. Hoklin's explanation of budget allocations within the Board's subgrant narrative (toward production of a report), Dr. Newman moved that \$1,500 be allocated for drafting and printing a report to the Legislature. Mr. Kiser stipulated that this allocation be separate from any allocation covering the costs of additional personnel, and seconded the motion. The motion carried unanimously (Resolution #42).

Mr. Harvie revealed the Montana State University has offered the use of an autopsy table and a body cooler to the Division of Forensic Science if it is located in Bozeman. Pre-medical students, he said, would benefit greatly from observing autopsies. The President of MSU, he said, is very much in favor of locating the forensic laboratory in Bozeman and will cooperate in every way. Mr. Harvie also said that MSU and MLEAB would welcome the Board in Bozeman for their October meeting, and extended an invitation to tour the Academy and various University facilities.


Mr. Behr moved to hold the October meeting in Bozeman, October 25, 1978. Mr. Brinkel seconded the motion, which carried unanimously (Resolution #43).

Sharon Wolfe discussed the December meeting schedule, noting that the Board usually holds its meetings the day before the Board of Crime Control meeting. She suggested that the meeting date be changed to December 13 rather than December 27, to coincide with the Board of Crime Control's meeting and to avoid the holiday week. Mr. Brinkel so moved and Mr. Kiser seconded the motion which carried (Resolution #44).

Having no further business, Mr. Harvie moved to adjourn at 4:20 p.m.



MICKEY NELSON
Secretary/Treasurer



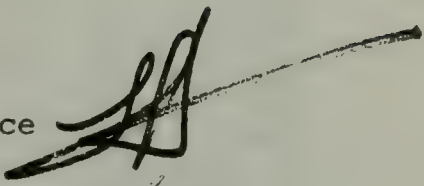
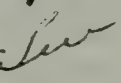
JOHN PFAFF, MD
Chairman

25 OCTOBER 1978

STATE
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ATTORNEY GENERAL
MIKE GREELY

STATE CAPITOL BUILDING, MONTANA 59601 TELEPHONE (406) 455-2026

MEMORANDUM

TO: Montana Board of Forensic Science 
FROM: Lonn Hoklin, Administrator
Sharon Wolfe, Assistant Administrator 
RE: 25 October 1978 Meeting and Related Matters

1. Enclosed herewith are:
 - A. Meeting Record for 27 September 1978;
 - B. Resolutions;
 - C. MACO Newsletter (our heartfelt thanks to Bev Gibson);
 - D. Contract executed with Mr. Tom Hoff in accordance with the Board's instructions to the staff;
 - E. Requests to the Montana Board of Crime Control (MBCC) for sole-source contract authority (as required by law) for personnel and consultant needs; authorizations granted by MBCC in response to those requests;
 - F. Request to MBCC for budget amendments; notice of MBCC approval.
2. At its September meeting, the Board resolved to provide for drafting rules and regulations pursuant to H.B. 461, the Montana Forensic Science System Act. Following the full Board meeting, Chairman Pfaff convened the Coordinating Committee to determine how to accomplish this objective. The Coordinating Committee unanimously resolved to seek sole-source contract authority to retain Sharon Wolfe (see enclosed request from Lonn Hoklin to MBCC, re: consultants), and subsequently received authority.

Since that time, however, the staff has uncovered a legal ambiguity concerning the propriety of retaining a Department of Justice employee as a professional contractor in the capacity of a paralegal consultant. Section 59-501. Therefore, in order to comply with the Board's directive and instructions from the Coordinating Committee, the staff elected to commission Ms. Wolfe to draft the rules and regulations during her overtime hours, and to maintain a detailed and accurate record of overtime expended; the Legal Services Division of the Department of Justice will compensate Ms. Wolfe at the rate provided by law (1.5 times her regular hourly compensation, or \$10.45 per hour); the Board of Forensic Science will then reimburse the Legal Services Division for Ms. Wolfe's overtime compensation. This method of compensation has received the approval of the Attorney General, the Chief Assistant Attorney General (Administrator, Legal Services Division), the Central Services Division Administrator - DOJ, and the Administrator of the Board of Forensic Science.

3. October Meeting:

A. The Board will hold its October meeting at the Montana Law Enforcement Academy (MLEA) (Wednesday, 25 October 1978) in Bozeman.

1. Directions: MLEA is located at 620 North 16th. From Interstate 90 follow the arrows to the MSU campus; turn west on College Street, proceed eight blocks to 16th and turn right; you will see an apartment building, beyond which lies the Academy. Wipe your feet before entering (this is a holy place).

B. Schedule:

1. 9:00 A.M. - Full Board meets for coffee in MLEA main conference room and breaks into Committees (three separate rooms) as assigned.
2. 11:30 A.M. - Tour of MLEA facilities and MSU/ Gallatin County forensic science facilities. John Jutila will officiate. Convene in the main conference room.
3. 12:00 A.M. - Lunch with MLEA students at the MSU cafeteria.
4. 1:15 P.M. - Full Board convenes in main conference room.

C. Board Meeting Agenda:

1. Introductions.
2. Staff Report:
 - a. finances;
 - b. contracted services;
 - c. Coordinating Committee action;
 - d. travel claims;
 - e. message from Attorney General.
3. Discussion and approval of Meeting Record.
4. Personnel Resources Committee report.
5. Basic Operations and Planning Committee report.
6. Physical Resources Committee report:
 - a. Report and recommendations from architectural consultant concerning a site for the Division of Forensic Science.
4. Board members who must stay the night in Bozeman are responsible for making their own reservations. As always, the Board will reimburse for travel and per diem as provided by law.
5. Please bring with you all written material issued thus far.

MEETING RECORD

October 25, 1978

A SUMMARY REPORT

Prior to the fall meeting the Board received several presentations regarding the desirability of locating the Division of Forensic Science in Bozeman. Representatives from the Bozeman Chamber of Commerce, the Gallatin County Commission and Montana State University outlined facilities and personnel available for use by the Division. Attending as a proxy to the Board, a Bozeman pathologist offered his support and cooperation should the Division locate in Bozeman.

The Board was advised that the Department of Justice has developed a funding proposal for the Division of Forensic Science which utilizes earmarked revenue funds from the Motor Vehicle Fund. The proposal negates the need for a general fund appropriation and would generate additional revenue without increasing the public's tax burden. In essence, the proposal entails marginal adjustments in certain motor vehicle user fees and charges. The revenue within the Motor Vehicle Fund would augment existing funding for the Montana Law Enforcement Academy Bureau and the Law Enforcement Telecommunications Bureau. In addition, it would fund the newly established Division of Forensic Science.

A statement from the Attorney General indicated concern for legislative and Board cooperation during the upcoming session. To meet this end the Attorney General suggested that a committee comprised of Board members be established to work with relevant legislative committees on a weekly basis throughout the legislative period. The committee would work on methods for presenting the funding proposal to the Legislature; answer legislative inquiries regarding the proposal; and coordinate legislative and Board efforts in the funding process.

The Board's architectural consultant provided a detailed report of his firm's assessment of the proposed Division sites in Bozeman, Great Falls, Helena and Missoula. (Note: Because of action by the University of Montana's Building Committee, the University's Pharmacy building previously offered as a proposed site was no longer available for the Division's occupancy.) A fifth alternative entailing the construction of a new brick and mortar structure at Bozeman

was also included. Accompanying each alternative was an objective evaluation of benefits and drawbacks as well as a detailed cost analysis associated with remodeling and construction. The architects' recommendations for locating the Division are as follows:

Recommendation: Construction of a new brick and mortar structure in Bozeman on land reserved by Gallatin County.

Alternative: Pharmacy Building, University of Montana, Missoula (no longer a viable alternative).

Discussion of the proposed sites prompted the Physical Resources Committee to recommend that the Division be located at Bozeman within a permanent brick and mortar structure. The committee's recommendation was predicated upon the architects' cost/benefit analysis of the new structure and the availability of support facilities and personnel in Bozeman. Should this recommendation meet with legislative disapproval, the committee proposed locating the Division at Great Falls within the laundry facility at the old Columbus Hospital. The Board unanimously approved the committee's recommendations.

The November Board meeting will discuss appropriate means for pursuing the Board's first recommendation for locating the Division. Focus will be on a long-term lease with Gallatin County and the possibility of obtaining authority to issue bonds for building the recommended structure under the capital construction program.

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MONTANA BOARD OF FORENSIC SCIENCE

MEETING RECORD

October 25, 1978

A joint committee meeting of the Board convened at 11:30 p.m. at the Montana Law Enforcement Academy in Bozeman, Montana on 25 October, 1978. The following members were present:

John Pfaff, Chairman
Fritz O. Behr
Don White
Wally Schumacher
Donald Hellman
Mickey Nelson

Robert Harvie
John Jutila
Ray Lynch
Bob Griffith
Bob Chesterfield

Serving as proxies were the following:

Phil Saccoccia, M.D. for John Newman, M.D.
Bill Steele for Gene Kiser
Dr. Dave Young served as proxy for Dr. John Jutila during Dr. Jutila's brief absence. Dr. Jutila was unable to attend the first portion of the full Board meeting

Also present were: Board Administrator Lonn Hoklin; Assistant Administrator Sharon Wolfe; Publication Assistant Tom Hoff; Montana Law Enforcement Academy Bureau (MLEAB) Chief Larry Lytle; MLEAB instructors Clark Price and Bill Heineke; Criminal Investigation Laboratory (CIL) technician Ken Konzak; Montana Funeral Directors Association Executive Director Don Pratt; Bozeman Chamber of Commerce Director Guy Sperry; Gallatin County Commissioners George Sager and John Buttelman; and CASCO facility manager, Bill Tuss, from Great Falls, among others.

Chairman Pfaff opened the meeting by advising the Board to incorporate additional formality in their discussion procedures. Due to the increasing attendance at Board meetings it is necessary to limit discussions to Board Members unless circumstances warrant outside input.

Bozeman Chamber of Commerce Director Guy Sperry presented to the Board a resolution drafted by the Chamber of Commerce Board of Directors. Unanimously adopted, the resolution endorsed the establishment of the Forensic Science Division in Bozeman. A copy of this resolution is attached.

Dr. John Jutila introduced two representatives from MSU, Dr. Young, Department Administrator of Veterinary Sciences, and Frank Newman, Director of WAMI. Dr. Young addressed the Board on the MSU facilities and personnel available to support the needs of a Forensic Science Division should it be located in Bozeman. A list of facilities and personnel is attached.

Don White questioned whether the facilities outlined in Dr. Young's presentation would lend themselves to the performance of laboratory functions. Ken Konzak (CIL) advised the Board that MSU's facilities and personnel would be of assistance in the functioning of a crime laboratory. Mr. Konzak stressed, however, that access to university equipment and staff would not negate the crime lab's need for additional equipment and personnel if it is to become a full service laboratory. Wishing to clarify the utility of MSU's facilities, Fritz Behr and Dr. Jutila stressed the supportive role of MSU. The personnel at MSU, they advised, would not perform the daily functions of the crime lab.

Dr. Pfaff raised the question concerning the Division's use of MSU computer facilities. Dr. Jutila indicated that computer terminals (hardware) should be available for data storage and retrieval by the Division. In addition, MSU could offer the technical expertise to assist the Division with computer programs and procedures (software).

Fritz Behr addressed the problem of security associated with the storage of confidential and important information. Dr. Jutila commented on safeguards which can be instituted to limit access to certain information once it is stored in the computer.

Dr. Phil Saccoccia, a Bozeman Pathologist, indicated to the Board his support of a Forensic Science Division in Bozeman. Noting the Division's desirability, Dr. Saccoccia advised that forensic facilities would benefit the WAMI (Washington, Alaska, Montana, Idaho) Medical Program located at MSU. Reciprocation between the Division and the WAMI program would enhance both operations. Larry Lytle provided the Board with a verbal blueprint of the newly complete academy facilities. Mr. Lytle then invited the Board to tour the facilities and have a Dutch treat lunch at the MSU cafeteria.

Before leaving on the tour the Board listened to a presentation by Gallatin County Commissioners George Sager and John Buttelman. Mr. Sager and Mr. Buttelman assured the Board of the Commission's support of a Forensic Science Division in Bozeman. In addition, the commissioners advised the Board of Gallatin County's intent to establish autopsy facilities in the Gallatin County Complex (Rosary School). Gallatin County, in cooperation with the Veterinary Research Laboratory and the WAMI Medical Program, would establish these facilities to provide needed services of mutual benefit to both the county and the educational needs of MSU. The commissioners further assured the Board that such facilities would be available to both the Division of Forensic Science and the Montana Law Enforcement Academy. A copy of the Commission's proposal is attached.

Having heard the presentations, the Board recessed at 12:30 p.m.

Chairman Pfaff reconvened the Board at 1:30 p.m. After thanking Larry Lytle and his staff for organizing the Board's tour of the academy Dr. Pfaff called for the staff report.

STAFF REPORT: FUNDING PROPOSALS

Lonn Hoklin provided the Board with a detailed outline of the Justice Department's funding proposal for MLEA, LETS, and the Division of Forensic Science (DFS). Utilizing earmarked revenue funds from the motor vehicle surplus fund the proposal would not require a general fund appropriation. In addition, the proposal does not have the effect of increasing tax burdens nor does it affect the allocation of monies to state government functions currently supported by the motor vehicle fund. The proposal entails adjusting certain motor vehicle user fees and charges which contribute to the motor vehicle surplus fund. As noted, this proposal grows from the awareness that general fund appropriations might not be available for many of the Justice Department's existing programs.

The motor vehicle fees and charges to be adjusted under this proposal are:

- (1) Motor Vehicle Registration Fee - an addition of \$1.00 to existing fee;
- (2) New License Plate Fee - from \$2.00 to \$5.00
- (3) Title Transfer Charge - from \$2.00 to \$5.00

The estimated revenue to be generated through this proposal is \$1,680,000.

An approximate budget for the Division of Forensic Science in Fiscal Year 1980 and 1981 was outlined. By combining the existing crime lab general fund budget of \$150,000 (annual) with potential funds for the Division of Forensic Science (from the proposed funding plan), the figure obtained is \$391,000 (annual).

As noted, the \$391,000 represents a meager budget total for DFS. Addressing this observation Mr. Hoklin advised the Board of the Justice Department's intention to seek "managerial latitude" for the Attorney General under the proposed funding plan.

One advantage of the proposed funding plan is the potential for continued growth in revenue created through adjusted user fees and charges. One may expect such growth with increases in the population of motor vehicle users. A similar growth in crime related problems will also accompany an advancing population. This growth will ultimately lead to increases in criminal justice personnel and caseload.

Expansion of Montana's criminal justice system will necessitate the need for increased MLEA training and laboratory analyses. These, in addition to other criminal justice programs and functions, will need a dynamic funding process if Montana is to remain abreast of its crime problems.

CONTRACTED SERVICES

Prior to this meeting Sharon Wolfe had been contracted by the Board to draft rules and regulations for the Division of Forensic Science. Due to a legal ambiguity concerning the validity of retaining a Department of Justice employee as a professional contractor, Ms. Wolfe will draft the rules and regulations during her overtime hours. The Legal Services Division of the Justice Department will compensate Ms. Wolfe at the rate of 1.5 time her normal hourly salary, or \$10.45 per hour. The Board of Forensic Science will then reimburse the Legal Services Division for Ms. Wolfe's overtime compensation.

Tom Hoff, under contract as publication assistant, provided the Board with a brief progress report on the Board's publication. A cost estimate for this publication was given. Including printing and binding costs the publication can probably be done within the Department of Administration for less than \$500. Mr. Hoff promised the Board an outline of the publication prior to the November meeting.

MESSAGE FROM THE ATTORNEY GENERAL

Lonn Hoklin advised the Board of the Attorney General's suggestion that a committee (comprised of Board Members) be established to work with relevant Legislative committees on a weekly basis from the beginning to the end of the legislative session. The committee would work on methods for presenting the funding proposal to Legislature; answer Legislative inquiries regarding the proposal; and coordinate Legislative and Board efforts in the funding process. Chairman Pfaff would appoint interested members to this committee upon their request. No appointments were made at this time.

DATE OF BOARD'S TERMINATION

Chairman Pfaff advised the Board of its statutory dissolution on April 29, 1979. From this date on the Attorney General will operate the Division of Forensic Science.

COMMITTEE REPORTS: PERSONNEL RESOURCES

Mickey Nelson requested that the Board defer consideration on Resolution No. 29: Qualifications and Training for Coroners until the November meeting. At this time Mr. Nelson's committee will provide the Board with its recommendations.

The letters of inquiry regarding the budgets and salaries of Medical Examiner/Coroner systems were discussed. It was noted there exists a wide disparity among medical examiner salaries in various states.

BASIC OPERATIONS AND PLANNING COMMITTEE

During the committee meeting emphasis was on promulgation of rules and regulations for the Division of Forensic Science. This was in lieu of further amendments to House Bill 461. It was noted that Ms. Wolfe has already started working towards this end. Ms. Wolfe suggested an interim meeting for the Operations and Planning Committee in order to expedite the drafting process. A rough draft of the Division's rules and regulations will be provided for the Board's consideration at the November meeting.

PHYSICAL RESOURCES COMMITTEE

Wayne Whitney, architectural consultant to the Board, provided a detailed report of his firm's assessment of the four proposed Division sites. The Pharmacy Building located on the University of Montana campus, Missoula, was the first site discussed. The Missoula site would require minimal preparation and remodeling as the laboratory facilities in

existence are fairly complete. The site offers space for expansion and could be ready for immediate occupancy at a marginal cost. The total project cost associated with remodeling plus addition of a new annex was \$268,400. The architects recommended the Missoula site as a second choice for the location of the Forensic Science Division. This choice would be contingent on the arrangement of a long term lease agreement between the state and the University of Montana. In addition, the Justice Department would have to secure a guarantee enabling expansion of the lab facilities as outlined in the architect's report.

Ken Konzak advised the Board of a problem regarding the Missoula site. Konzak apprised the Board of a recent decision by the University of Montana's Building Committee which foreclosed the use of the pharmacy building as a site for the Division of Forensic Science. At this point the Board was forced to drop Missoula as a viable alternative.

A second proposed location for the Division is in Bozeman. The architects' report called for the utilization of modular units similar to those constructed for MLEAB. Because of certain laboratory requirements the modulars would require additional alterations, e.g., glass plumbing to handle corrosive chemicals. The total project cost for the construction of modular units suitable for a forensic lab was estimated at \$470,451.

Utilization of the 5th floor in the Scott Hart building in Helena was presented as a third alternative. This proposal did not provide for future expansion should it be needed. A problem, also surfaced with the necessity of accessing the location via elevator. The size of the elevator would prohibit the transportation of crime scene evidence which is inordinately large. Inadequate parking and costly plumbing renovation presented further problems.

The total project cost associated with the remodeling of Scott Hart's fifth floor was estimated at \$328,175.

The fourth alternative called for locating the Division in the old Columbus Hospital, Great Falls. The site is the laundry building adjacent to and separate from the hospital. This proposal does allow for future expansion. Existing emergency lighting offered a further advantage. Although on a limited basis, parking near the site was available. A potential for vibration problems exists with the location of boilers beneath the laundry facility; concern being with the necessity of having a stable surface for delicate lab instruments. Inadequate plumbing for a forensic lab constituted an additional problem. The total project cost associated with the remodeling of the facility was estimated to be \$290,786.

A fifth and final proposal for locating the Division was presented to the Board. It entailed the construction of a permanent concrete and steel structure to be located on land set aside by Gallatin County for the Division. This proposal would be in lieu of the modular units to be constructed on the same space. In the architect's summary the recommendation to build a permanent facility constituted the architect's first recommendation. The building costs of a 5,000 square foot structure was estimated to be \$500,000.

Dr. Phil Saccoccia addressed the disproportionate relationship between square footage in the four proposed sites and the square footage in the fifth alternative calling for a permanent structure. Mr. Whitney explained that the figure for square footage provided what his firm felt to be the space needed for a complete and up-to-date facility. In addition, this figure takes into consideration future expansion needs. Mr. Whitney went on to note that square footage costs decrease as square footage within a structure increases, a consideration of some importance when viewing construction costs.

Discussing the alternative presented by Mr. Whitney, Fritz Behr commented on his committee's discussion of the proposed modular buildings. Addressing the alternative of a 10-20 year lease of the modulares from contractors, Mr. Behr advised the Board of potential problems for the contractor in obtaining financing for the remodeling of modulares to accommodate the unique needs of a forensic laboratory. Because of these needs the resale of such modulares would be difficult, something which may preclude financial backing from a bank. An alternative to leasing, then, would be the State's option to purchase the modulares, once completed. This would be contingent on the availability of funds. Mr. Behr advised the Board the above considerations give additional weight to the architect's recommendation for the construction of a permanent structure at the Bozeman location in lieu of the proposed modulares.

Wishing to acknowledge the usefulness of the architect's presentation, Mr. Behr thanked Mr. Whitney for providing the Board with a complete and detailed report on the proposed sites.

Prior to adjourning for a short recess, Chairman Pfaff asked Fritz Behr if his committee had a recommendation regarding the location of the Division. Mr. Behr responded that his committee had not made a recommendation preferring to leave such a decision to the full Board after it was apprised of the architect's recommendations.

During the Board's recess, Fritz Behr convened the Physical Resources Committee to discuss a location proposal to offer the Board. The Committee endorsed the construction of a

permanent structure in Bozeman as its first recommendation to the Legislature, and offered a resolution to this effect. This proposal acknowledged the various support facilities and personnel that Bozeman could offer the Division as well as the architect's cost/benefit analysis report. The first recommendation would, however, be contingent upon an adequate long-term lease with Gallatin County or the outright donation of the land set aside for the Division. The Committee's second recommendation was to remodel the laundry facility at the old Columbus Hospital in Great Falls. This alternative would be considered by the Board if problems arose in Legislature regarding the Board's first recommendation. The resolution offered by Fritz Behr was seconded by the Physical Resources Committee. Resolution #45 carried unanimously.

At its November meeting, the Board will discuss appropriate means for pursuing Resolution #45. Focus will be on a long-term lease with Gallatin County and the possibility of obtaining authority to issue bonds for building the recommended structure under the capital construction program. A progress report on these concerns is expected at the November meeting. The first recommendation, that of constructing a permanent facility, brought about the question of funding. In addressing this question Lonnn Hoklin advised the Board of the likelihood of having to seek authority from Legislature under capital construction to issue bonds for construction of a new building. This funding alternative would have to be sought simply because the Motor Vehicle earmarked revenue accounts could not support construction costs.


Seeking additional means of financing a new structure, Mr. Hoklin questioned Chairman Pfaff on the availability of LEAA funds for brick and mortar construction. Chairman Pfaff, although unable to respond with complete certainty, indicated that he would approach the Montana Board of Crime Control on the matter.

Pat Driscoll, in commenting on the capital construction program, advised that to his knowledge long-range building proposals under capital construction are not applicable to buildings constructed on property that is not State owned. This would present a problem if the land set aside for the Division of Forensic Science were to remain the holding of Gallatin County. In addition, when building a new structure to be owned by the State one must compete with other state building priorities. There presently exists a list of priorities to which the proposed building would have to be added if it is to be considered under capital construction. Both of these concerns will be under consideration at the November meeting.

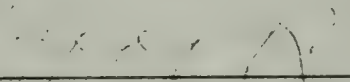
Dr. Phil Saccoccia raised the question regarding the probability of the Justice Department having its funding proposal approved by Legislature (reference being made to proposed adjustments in motor vehicle fees and charges). Lonn Hoklin advised that the proposal should meet with legislature acceptance.

Concern was voiced over the possibility of Legislature accepting the funding proposal but refusing to provide authority to issue bonds for the construction of a new structure. Under these circumstances the Division of Forensic Science would initially have to operate on an incremental basis, an option which does not conform to the intention and objective of the Board.

With no further business, Chairman Pfaff adjourned the Board at 4:30.



MIDKEY NELSON
Secretary/Treasurer



JOHN PFAFF, M. D.
Chairman

WHEREAS, the City of Bozeman is centrally located and readily accessible by air, car, bus, and train, and

WHEREAS, the medical library holdings of Montana State University are unmatched in this part of the country, and

WHEREAS, the supporting technical expertise of Montana State University in the fields of physical science, biological science, engineering, remote sensing, computer science, and photography is unmatched in the State, and

WHEREAS, various necessary laboratory equipment including superior microscopes are available for use at Montana State University, and

Whereas, body cold storage facilities will soon be available locally and virtually unavailable elsewhere in the State, and

WHEREAS, satellite communication and other unique communication facilities are available through Montana State University, and

WHEREAS, the location of the state crime laboratory and the law enforcement academy in the same community will facilitate the inclusion of appropriate crime scene investigation, accident investigation, and forensic science training in the curriculum of the law enforcement academy,

THEREFORE, be it resolved by the Bozeman Chamber of Commerce Board of Directors on this 24th day of October, 1978 that they wholeheartedly endorse the establishment of the state crime laboratory in Bozeman.

Passed Unanimously

UNIVERSITY RESOURCES OF
POTENTIAL APPLICABILITY TO
MEDICOLEGAL INVESTIGATIONS

I. University Units

- A. WAMI Medical Program
- B. Department of Physics
- C. Department of Microbiology
- D. Department of Chemistry
- E. Department of Industrial Engineering and Computer Science
- F. Department of Civil Engineering and Engineering Mechanics
- G. Veterinary Research Laboratory
- H. State Diagnostic Laboratory Bureau

II. Facilities and Equipment

- A. Autopsy facilities including mortuary refrigerator units (in cooperation with Gallatin County)
- B. Computer facility
- C. Medical Library
- D. Biomedical photography facilities
- E. Analytical chemistry capabilities:

Spectroscopy - infrared, atomic absorption, MNR, mass, ultra-violet, visible molecular; chromatography - gas, thin layer, liquid, HPLC; amino acid analysis; x-ray diffraction; radioactive tracers.

- F. Physical analytic capabilities:

Auger spectrometers; EPR: accelerators, atomic beams facility; photo-emission spectrometers; photogrammetry; remote sensing detection; scanning electron microscopy.

- G. Biomedical analytic capabilities:

Routine chemical profiles for blood, serum, urine survey of infectious agents; toxicologic analysis; species identification; high resolution analytical electron microscopy.

MEMORANDUM OF UNDERSTANDING
between
MONTANA STATE UNIVERSITY
and the
COUNTY CORONERS OF GALLATIN COUNTY

PROPOSAL FOR THE DEVELOPMENT OF AN AUTOPSY FACILITY

WHEREAS, Gallatin County does not have an autopsy facility located in the county, nor is there a facility in an adjacent county; and

WHEREAS, Gallatin County does not have any facility for the temporary storage of a deceased person on whom an autopsy has been ordered by the County Coroner; and

WHEREAS, with the establishment of the WAMI (Washington, Alaska, Montana, Idaho) Medical Program at Montana State University, the viewing of autopsy procedures constitutes a significant portion of the education of first year medical students; and

WHEREAS, these autopsy procedures are conducted currently in local funeral homes in facilities which are inappropriate and inadequate in terms of teaching medical students; and

WHEREAS, Gallatin County, the Veterinary Research Laboratory and the WAMI Medical Program desire to cooperate in the establishment of a facility which would provide needed services of mutual benefit to both the County and the educational needs of Montana State University;

NOW, THEREFORE, in consideration of the aforementioned premises, the parties agree as follows:

A. Physical Facilities

Gallatin County agrees to provide adequate space (no less than 600 square feet) in the new Courthouse facilities for the autopsy room. In addition, the County agrees to pay for the expenses

involved in remodeling the space to accommodate the necessary equipment and for the overall maintenance of the facility. The County agrees to consult with representatives of the University in the architectural design of remodeling of the autopsy facility. The County agrees to provide adequate parking spaces for the users of the facility.

B. Equipment

Montana State University agrees to equip the facility with a special, stainless steel teaching autopsy table and a specialized refrigeration unit suitable for the storage of four bodies. Title to the equipment will remain with Montana State University. The cost of the equipment will be paid by federal funds granted to Montana State University for purposes of medical and veterinary medical education. Montana State University agrees to maintain this equipment in good working condition.

C. Immediate Uses of The Facility

1. The Gallatin County Coroner shall have access to the facility for the performance of autopsies as determined by his/her office. The County will use the refrigeration unit to store bodies awaiting medicolegal decisions.
2. The WAMI Medical Program shall use the facility as a teaching aid to medical students to view autopsies performed by local pathologists. Graduate students in the biomedical fields will have access to this instruction as deemed appropriate by their advisors and graduate committees. The Veterinary Research Laboratory, as a subunit of Montana State University, will have access to the facility for purposes of teaching and research.

3. The pathologists at the Bozeman Deaconess Hospital shall have access to the facility for performance of autopsies. The pathologists will serve both a teaching function and a service function to the University and the County.
4. The students at the Law Enforcement Academy shall receive instruction in basic anatomy, autopsy procedures and related education as deemed appropriate by the Director of the Law Enforcement Academy.

D. Future Uses Of The Facility

The facility may serve as a focal point for the development of a State Forensics Laboratory. In addition, the facility may be utilized by any State Medical Examiner if the State Forensic Science Facility is ultimately located in Bozeman or the equipment may be moved to such facility.

E. Priority Use Of the Facility

For day to day and week to week operation and use of the facility, the contact person for the County shall be the County Coroner and for the University the person shall be the Director of the WAMI Medical Program. Planned use of the facility for classes or other instructional purposes shall be scheduled in writing at least 14 days prior to the first day of class. In case of conflicts for the use of the facility, it shall be the responsibility of the Chairman, Gallatin County Commissioners, and the Vice President for Research, Montana State University, to set priorities conjointly which will be of mutual benefit to both parties.

F. Terms Of Agreement

The terms of this Agreement shall be in effect for five (5) years from the date affixed below.

John H. Battelle asst.

10-12-78 *Chas. L. Nank*
Date *Chas. L. Nank*
County Commissioners

[Signature]
Date *[Signature]*
Vice President for Research
Montana State University

29 NOVEMBER 1978

STATE
OF
MONTANA
ATTORNEY GENERAL
MIKE GREELY

STATE CAPITOL, HELENA, MONTANA 59601 TELEPHONE (406) 449-2026

MEMORANDUM

24 November 1978

TO: Montana Board of Forensic Science

FROM: M. Sharon Wolfe, Assistant Administrator

RE: Board meeting, 29 November, 1978

1. Enclosed herewith is the Meeting Record for the October 25, 1978 meeting in Bozeman together with the attachments required by the Record.
2. Also enclosed is the outline of the Board's Report which Tom Hoff prepared pursuant to your request. Tom has done a commendable job in a short time and has the entire job to date ready to be typed in final form for the printer. The Meeting Record for the November 29 meeting will have to be included at the last minute, as will any Resolutions which are presented at that meeting. The Rules and Regulations which I have been working on will also have to be finalized at the November meeting for inclusion in the published report. The printer has to have the cameraready copy by December 1 and even then can't absolutely promise it will be finished prior to the first day of the legislative session. Therefore, there's no chance of including the Board's December meeting in the report.
3. The summary showing comparison of forensic budgets of those states which responded to our questionnaire has been completed and will be distributed at the November meeting. Montana's budget appears to be well justified.
4. Meeting of 29 November 1978
 - A. Location - Montana Board of Crime Control offices at 1335 Helena Avenue
 - B. Each committee will meet at 9:00 a.m. at its usual meeting room.

- C. Copies of the draft of the Rules and Regulations will be made available to each member by 9:00 a.m.
- D. Full Board meeting in main conference room at 1:15 p.m.

5. Agenda

- A. Discussions of Meeting Record of previous meeting
- B. Staff Report: In general, this might best be included as the meeting progresses rather than as an isolated portion of the agenda. The main topics to be discussed are:
 - i. Longterm lease at Bozeman;
 - ii. Capital building program;
 - iii. Methods of completing publication (Report), including cost of completion, Tom Hoff's contract status, hiring a typist;
 - iv. Analysis of responses from other states regarding forensic budgets;
 - v. Proposed Division of Forensic Science budget;
 - vi. Rules and regulations.
- C. Committee reports:
 - i. Physical Resources Committee report on interim activities;
 - ii. Personnel Resources Committee report on disposition of pending Resolution #29 plus any other matters.
 - iii. Basic Operations and Planning Committee report on revised rules and regulations offered to the Board. Discussion.
- D. Chairman's Appointments to the Legislative Liaison Committee.
- E. New Business

- 6. Hope you each had a nice Thanksgiving. See you Wednesday. So far, I've been advised of no proxies.

MEETING RECORD

November 29, 1978

A SUMMARY REPORT

At its October 25 meeting, the Board decided to devote a portion of the November meeting to discussion of means to achieve its objectives in siting the Division of Forensic Science; of equal importance was consideration of rules and regulations to be proposed for operating the Division.

Based on drafts submitted by Ms. Sharon Wolfe, the Assistant Administrator, the Basic Operations and Planning Committee proposed rules and regulations for eventual promulgation by the Department of Justice. The Board dealt with each of the fifty-seven paragraphs separately, engaging in lengthy analysis and discussion. Having made a number of substantive and "house keeping" modifications that included third party privacy provisions, the Board entertained Mr. Don White's Resolution #47: "Rules and Regulations for the Division of Forensic Science;" the Board unanimously enacted Resolution #47.

The Board then heard from Mr. Mickey Nelson concerning the Personnel Resources Committee's recommendation that the Board go on record as recognizing the problems and needs addressed by his pending Resolution #29 (mandatory training for coroners). By acclamation the Board adopted Mr.

Nelson's view that such recognition is in order vis-a-vis the questionable propriety of formal Board action concerning mandatory coroner training. The Board, in subsequent discussion led by Mr. Nelson, agreed not to request extension of its functional time period beyond its statutory "sunset" date.

Having completed its mission at the previous meeting, Mr. Fritz Behr's Physical Resources Committee had no further business.

Mr. Lonn Hoklin, Board Administrator, then presented the proposed budget for the operation of the Division of Forensic Science in the forthcoming biennium. Following lengthy discussion and close examination of the various budget items, the Board unanimously adopted Resolution #48: "DFS Budget."

Before adjourning, the Board resolved to hold an informational meeting early in January for associations represented by its membership and for Legislators.

STATE
OF
MONTANA
ATTORNEY GENERAL
MIKE GREELY

STATE CAPITOL, HELENA, MONTANA 59601 TELEPHONE (406) 449-2026

MONTANA BOARD OF FORENSIC SCIENCE

MEETING RECORD

November 29, 1978

After separate committee meetings held in the morning, the Board convened on Wednesday, 29 November 1978, at 1:15 p.m., at the Montana Board of Crime Control building in Helena. The following members attended:

Gene Kiser	John Jutila
Robert Chesterfield	Dale Dye
John Newman	Wally Schumacher
Don White	Fritz Behr
Mickey Nelson	Robert Griffith
Ray Lynch	John Pfaff
Donald Hellman	

Chairman Pfaff announced the following proxies:

Beverly Gibson for Bill Brinkel
Clayton Bain for Bob Harvie

Also attending were:

Lonn Hoklin, Board Administrator
M. Sharon Wolfe, Assistant Administrator
Mike McGrath, Board Legal Counsel
Arnold Melnikoff, Chief, Criminal
Investigation Lab
Don Pratt, representing the Montana Funeral
Directors Association

The Board approved the Meeting Record for 25 October as corrected, and Chairman Pfaff dispensed with the usual meeting order to accommodate Mr. McGrath who had other appointments to keep later in the afternoon.

Lonn Hoklin asked the Board's permission to draft letters of appreciation to Bob Kuchenbrod (Administrator, Central Services Division, Department of Justice) for his invaluable assistance in constructing a budget for the Division of Forensic Science; to Wayne Whitney, architect, for the excellence of his work as a consultant to the Board; to Tom Hoff, for his outstanding work toward compiling and publishing the Report of the Montana Board of Forensic Science. The Board granted approval.

Chairman Pfaff recognized Don White, Chairman of the Basic Operations and Planning Committee, to present his Committee's recommendations concerning rules and regulations pursuant to the Montana Forensic Science System Act. On behalf of the Committee Mr. White distributed draft rules and regulations written by Sharon Wolfe in consultation with Mr. McGrath, Mr. Hoklin and other Department of Justice staff.

Mr. White reminded the Board of its previous action in connection with Resolution #23 which concerned the reinsertion of Section 15 of House Bill 461 into the law. Section 15 provides procedures and definitions for determining whether death investigations are necessary in specific instances. Though the Board had enacted Resolution #23 for the purpose of reinstating Section 15, the Board subsequently enacted a resolution to forego proposing any amendment whatsoever to the Montana Forensic Science System Act. Based on staff recommendations, however, Mr. White proposed that the Board seek statutory amendment to reinsert Section 15, inasmuch as the Division of Forensic Science would otherwise lack authority to promulgate regulations by which to determine whether suspicious deaths had occurred.

Mr. White asked Mr. McGrath to explain how and why Section 15 had been stricken from the final version of House Bill 461, upon which Mr. McGrath deferred to Chairman Pfaff (both men were present during the 1977 Legislature's deliberations on the matter). With assistance from Mickey Nelson, Chairman Pfaff explained that deletion of Section 15 had been more inadvertant than intentional, and that the bill had emerged for a vote on the eighty-eighth day of the ninety-day legislative session; the Governor, said Mr. McGrath, had agreed to render an amendatory veto of the bill in order to reinstate Section 15, but the bill's supporters urged against such a veto in the interest of time and the clear need for forensic science legislation. The coroners, said Mr. Nelson, favored inclusion of Section 15.

Chairman Pfaff observed that statutory language such as that contained in Section 15 is necessary to accomplish the purpose of the Montana Forensic Science System Act.

Chairman Pfaff recognized Mr. Pratt who asked (on behalf of the funeral directors) whether inclusion of Section 15 would require approval from the Medical Examiner, the Associate Medical Examiner or the Coroner before any body could be embalmed. Chairman Pfaff explained that Section 15 pertained to deaths occurring only under the specified circumstances: The answer, therefore, was no.

In response to a question from Mr. Behr, Chairman Pfaff ruled that enactment of Mr. White's resolution (to amend the law by reinstating Section 15) would supercede previous

resolutions concerning the Board's intent to forego amendments to the Act.

The Board then disposed of questions concerning jurisdictions in the determination of whether a "suspicious death" has occurred, finding that the proposed regulations (which are considered later in this Record) address that concern.

Mr. White then moved to adopt Resolution #46: "To reinstate Section 15 of House Bill 461 into Law," which was unanimously seconded by his Committee. Mr. White noted that this resolution would be the Board's sole recommendation for amendment to existing law and need not be tied to the Board's recommendation for funding the Division of Forensic Science.

To clarify the intent of Section 15, Mr. Behr proposed language in the preamble to correspond with subsequent language appearing in the proposed rules and regulations. Mr. Behr's amendment to Resolution #46 addressed Mr. Pratt's misgivings over interpretation in instances when bodies are to be donated to research institutions, schools, etc. Mr. Behr's suggested language underscores that death investigations shall occur only in the specified circumstances, amending the preamble of Section 15 to read:

"Section 15. Procedures upon suspicious deaths.
(1) Before a body is embalmed, cremated or dissected, the coroner shall upon his own determination or upon request by the attorney general or a county attorney make or have performed an investigation whenever a body is found in his county and death has occurred under any of the following circumstances."

The remainder of Section 15 reads much like the original with the exception of item "n" which is unneeded in view of the preamble language:

- a) criminal violence;
- b) by accident;
- c) suddenly, when in apparent good health;
- d) by suicide;
- e) when unattended by a practicing physician;
- f) in any prison or penal institution;
- g) when in custody of any law enforcement agency;
- h) in any suspicious or unusual circumstances;
- i) by criminal abortion;
- j) by poison;
- k) by disease constituting a threat to the public health;
- l) by disease, injury, or toxic agent resulting from employment;

m) when a corpse is brought into the state without proper medical certification.

(2) After his initial examination and investigation the coroner shall immediately prepare a written report of his findings and shall provide copies to the investigating law enforcement agency, the county attorney and the state medical examiner.

(3) The state medical examiner has authority in any death enumerated above to perform or have performed an autopsy or any other laboratory examination he considers necessary or in the public interest.

The Board enacted Resolution #46 as amended with one dissenting vote (Dale Dye).

Mr. White proceeded to the matter of proposed rules and regulations to implement the Act and the Board's resolution. The Chairman announced that he would call for votes on any and all matters of controversy and question; the rules and regulations, however, would be treated as a single Resolution to avoid confusion and would appear as approved by the Board in its forthcoming Report rather than verbatim in this Meeting Record. Mr. McGrath observed that the Board's approval of the proposed regulations would not constitute "issuance" or "promulgation" inasmuch as the Administrative Procedures Act established a detailed method which must be observed in issuing regulations; Mr. Hoklin stated that the Department of Justice would issue the Board's regulations according to the Administrative Procedures Act if the forthcoming Legislature approved funding for the Division of Forensic Science.

With respect to the Committee's proposed regulations as they relate to determining whether a suspicious death has occurred (Paragraphs 1, 2, and 3, Proposed Rules and Regulations) and whether an investigation is in order prior to cremation, Dr. Newman expressed concern over allowing cremation in any instance without notifying the Coroner, Associate Medical Examiner or Medical Examiner. Such allowance, he observed, renders the entire system vulnerable to a "sophisticated homicide" in which a physician is involved. This misgiving relates equally to instances in which bodies are shipped off for donation to schools and research institutions insofar as the special embalming techniques employed for such purposes serve to destroy evidence. A physician who is a perpetrator or conspirator in a "sophisticated" homicide, said Dr. Newman, could certify the "cause" of death and arrange for immediate destruction of the evidence through cremation or embalming.

Mr. Behr suggested that although this concern is legitimate, it is probably beyond remedy through rules and regulations. Unless the Board is prepared to recommend additional statutory amendments, he said, it lacks the legal foundation for drafting appropriate regulations to address Dr. Newman's concerns. Dr. Newman and the remainder of the Board agreed; Mr. White continued the presentation.

The following matters, said Mr. White, are contingent upon legislative enactment of the amendment embodied in Resolution #46. With respect to Mr. White's proposed regulation language defining the "attendance" of physicians during the occurrence of deaths (Paragraph 3), Mr. Nelson inquired whether the language would encourage physicians "not to be in attendance" in order to avoid responsibility for death certification.

Mr. Behr answered: The proposed regulation merely allows a physician to certify the cause of death according to his "best professional knowledge of the death," whether he was physically present at the moment of death or not. Mr. Nelson and the Board accepted the explanation.

Hearing no further discussion, questions or objections to regulation language relating to Section 15 of the Act (definitions and procedures upon suspicious deaths), Mr. White moved on to the section of the draft regulations entitled: State Medical Examiner.

The Board first examined Paragraph 6: Qualifications (of Medical Examiner); by acclamation the Board agreed that in addition to being a forensic pathologist certified by the American Board of Pathology, the Medical Examiner should be licensed to practice medicine in Montana.

Paragraph 7: The Board agreed that the Attorney General should appoint the Medical Examiner following the termination of the Board of Forensic Science.

Paragraphs 8 through 11 had been addressed by the Board through resolution or appeared clearly in the statute; there was no objection or question with respect to these items.

Paragraph 12: The proposed regulation language stipulated that in appointing Associate Medical Examiners, the Medical Examiner should accept nominations from professional associations representing Coroners, County Attorneys and law enforcement officers within the appropriate Associate Medical Examiner region. Dr. Jutila suggested that the medical profession also be heard from and be permitted to furnish nominations for the office of Associate Medical Examiner. The Board agreed by acclamation.

There were no questions or objections to the language in Paragraphs 13 through 15.

Paragraph 16 engendered long and heated discussion. "The Medical Examiner", read the regulation language offered by Mr. White, "shall negotiate per case compensation for each Associate Medical Examiner after consultation with the County Commissioner in the region to be served by the Associate Medical Examiner. Upon determination of reasonable compensation the Medical Examiner may enter into an agreement."

Mr. Behr noted that "per case compensation" is ambiguous and could be construed as requiring the Medical Examiner to enter into compensation negotiations with Associate Medical Examiners every time a post mortem examination is in order. Hyphenating "per-case compensation", he said, would clarify the matter.

Ms. Gibson observed that the final sentence really means very little and suggested striking it altogether; "...agreement" with whom? she asked.

Several members expressed reservations over including county officials in negotiations of Associate Medical Examiner compensation, but Mr. Dye supported the concept, observing that county executives must be advised of compensation levels in order to program cost coverage for autopsies and related scientific investigations. "It's just good protocol," he concluded. Mr. Nelson advised that Coroners also be included in the consultation since cost coverage of Associated Medical Examiner's investigations will come out of Coroner's budgets.

Mr. Behr reminded his colleagues that the Associate Medical Examiner regions will encompass more than one county, and that the Board should not lose sight of the fact that the negotiated compensation will prevail uniformly throughout each region. As a practical matter, the Medical Examiner will negotiate with each potential Associate Medical Examiner to determine how much money the latter must have (a reasonable amount) for an autopsy and related duties. The Board concurred, noting that appropriate county officials (Commissioners and Coroners) deserve input to the process of negotiation as provided by the proposed regulation if altered accordingly, but that current law lays responsibility for such negotiation on the shoulders of the Associate Medical Examiner. Moreover, it's a matter of statute - not regulation - that counties pay for autopsies ordered by Coroners and County Attorneys, and that the state pay for autopsies ordered by the Attorney General. County

officials thus have no "veto power" over the Medical Examiner in the execution of his statutory responsibility to negotiate compensation of Associated Medical Examiners. The intent of the proposed regulation, Mr. White stressed, is to ensure consultation by the Medical Examiner with appropriate county officials in order to ascertain what level of compensation is "reasonable."

Dr. Newman, a forensic pathologist, offered the view that he objected to the Medical Examiner's negotiating with the county on his behalf, were he designated an Associate Medical Examiner. Mr. Hoklin said that the Medical Examiner is to negotiate the per-case compensation with the Associate Medical Examiner, according to the statute, and that the subsequent agreement must include "a reasonable per-case fee;" it only makes sense, said Mr. Hoklin, that the Medical Examiner consult with County Commissioners and Coroners to determine the limitations of a "reasonable fee."

The Board thus agreed to hyphenate "per-case compensation" in the proposed regulation language, insert provisions for consultations with Coroners, and strike the second sentence as recommended by Mrs. Gibson.

Paragraph 17: The Board concurred with the regulation stipulating that Associate Medical Examiners serve at the pleasure of the Medical Examiner.

Paragraph 18: The Board expressed general support for the regulation concerning forensic science training programs to be established and maintained by the Medical Examiner. For the sake of consistency with subparagraph A (requiring such training to be held at the Montana Law Enforcement Academy whenever possible), Mr. Behr proposed that subparagraph B (requiring the Medical Examiner to hold local training sessions) should be permissive rather than mandatory. The Board concurred. In response to Ms. Gibson's query as to who pays for Associate Medical Examiner training, the Board expressed its unanimous intent that Associate Medical Examiners bear their individual training costs themselves. Chairman Pfaff (a forensic pathologist) stated that every pathologist he knows is amenable to this concept and that each is willing to bear reasonable costs for expert instruction and training in forensic procedures. Mr. Hoklin said that the possibility of support from the Montana Board of Crime Control for training is very realistic and probable, a point underscored by Chairman Pfaff. The Board accepted Mr. Behr's recommended change.

The Board approved Paragraphs 19 through 26, inserting only minor changes.

Paragraphs 27 through 39 concerned the administrative duties of the Laboratory Director (Bureau Chief of Laboratory of Criminalistics). Virtually all the proposed regulation language was the product of previous Board resolution or statutory provision within the Act. With respect to Paragraph 29 concerning the Lab Director's authority to hire lab personnel, Mr. Melnikoff pointed out that state job classifications for the existing laboratory personnel are already in place and will require the administrative attention of the Department of Justice in the event that the Lab Director wishes to change the job descriptions within the lab.

Paragraphs 40 through 45 concerned Associate Medical Examiners, their responsibilities and qualifications. Beyond inserting reporting requirements ensuring that investigating law enforcement agencies receive copies of Associate Medical Examiners' case reports, the Board made no changes in the proposed regulation language.

Paragraphs 46 through 54 concerned Coroners. Because the proposed regulation language was largely the product of explicit statute or interpretive Board resolution, the Board made few changes. One such change, however, - a proposal by Mr. Nelson - clarified and made consistent a provision for authority to order autopsies (Paragraph 50). As in previous paragraphs, the Board approved changes to ensure case reporting to all appropriate local and state agencies.

Mr. Nelson and Mr. Behr raised the issue of third-party security with respect to reports emanating from law enforcement agencies, Coroners, Associate Medical Examiners and the Medical Examiner. Chairman Pfaff suggested that the Basic Operations and Planning Committee first offer a resolution to adopt the proposed rules and regulations as revised through the foregoing discussions. Mr. White agreed and offered Resolution #47: "Rules and Regulations for the Division of Forensic Science." A feature of the resolution was to instruct the staff to draft third-party privacy language to insert as Paragraphs 4 and 5 ("Third-party privacy" in this instance relates to security and privacy of case reports by law enforcement officials to the specified agencies).

Resolution #47 was unanimously enacted. Mr. White had nothing further. Chairman Pfaff recessed the Board for coffee at 3:15 p.m.

At 3:30 p.m., the Chairman reconvened the Board and recognized Mr. Nelson, Chairman of the Personnel Resources Committee. At its morning meeting, the Committee resolved not to pursue formal Board disposition of Resolution #29, relating to Coroner compensation and training (still pending

final Board action). Rather, the Committee sought only to state for the Record that although the matters addressed by Resolution #29 may not be appropriate for formal Board action (within its statutory purview), the Board nonetheless recognized the problems which Resolution #29 attempts to solve. The Board agreed by acclamation with this statement.

On behalf of his committee, Mr. Nelson raised the issue of extending the life of the Board beyond its statutory "sunset" on 30 April 1979. Ideally, said Mr. Nelson, the Board should seek the Legislature's permission to remain in existence until fall of 1981. At the very least, he urged, the Board should continue through October of 1979 in order to have input to the process of selecting and hiring a Medical Examiner. To support his suggestion, Mr. Nelson recalled that the Board did not have its first meeting until 9 October 1977 and that a mistake had been made in reading the Forensic Science System Act which, until recently, had led Board members to believe that the expiration date was 1 July 1979. The Board's participation in the hiring of the Medical Examiner, he declared, is impossible in view of the time constraints. He observed that the money remaining in the Board's account should suffice at least through October 1979.

Mr. Behr stressed to his colleagues that extending the life of the Board would necessitate a statutory amendment. Would it not be preferable, he wondered, to request that the Attorney General somehow involve Board members in the Medical Examiner selection process, possibly obtaining their guidance and advice informally, even though the Board itself had expired?

Dr. Newman and Clayton Bain agreed. True, said Dr. Newman, that the Board has not hired a Medical Examiner, notwithstanding its statutory responsibility to do so; that's because the Legislature gave the Board no money to hire a secretary, much less an experienced forensic pathologist. Moreover, a clear trend is afoot (since the inception of state executive reorganization) to discontinue, disband and otherwise discourage boards and commissions throughout state government, he said.

Mr. Bain urged against extension: The Board should stand on its achievements, he advised, and report to the Legislature concerning its efforts to realize the goals of the Forensic Science System Act. He agreed with Dr. Newman that the primary function of a Board is citizen appeal and review. This Board, he declared, has filled that function by bringing together concerned and responsible citizens to set the stage for a new and much-needed concept in law enforcement. Its remaining responsibility, he argued, is to the Legislature. He concurred also with Dr. Newman's and Mr.

Behr's observation that the Attorney General would be well advised to call upon people who had served on the Board to assist in hiring a Medical Examiner.

Mr. Hoklin stated that the Attorney General would welcome the Board's guidance in this matter, and would make good use not only of a formal procedure adopted by the Board, but also of members' participation and advice in the process of interviewing Medical Examiner candidates.

Mr. Nelson stated his appreciation of the Board's sentiments on this issue and declined to offer a resolution to extend the life of the Board.

Because Mr. Nelson had nothing further, Chairman Pfaff recognized Mr. Behr, Chairman of the Physical Resources Committee. Mr. Behr's Committee had no further business.

STAFF REPORT

The Chairman called upon Ms. Wolfe who explained briefly the contents of a memorandum submitted by Publications Consultant Tom Hoff. The memo included an outline of the format and substantive material to be contained in the Board's Report.

Ms. Wolfe then explained the logistical steps employed by the staff to produce the Report, including procuring secretaries for typing. Further discussion revealed the Board's wish to produce enough copies of the Report of the Montana Board of Forensic Science: 1977 - 1978, to provide a copy to each Legislator, to each member of the Board of Crime Control, to the Board of Forensic Science members themselves, the Governor, the Attorney General, constituent organizations represented by the Board and the news media. Chairman Pfaff and the staff estimated the total number of copies needed to be 300.

Chairman Pfaff announced that the Central Services Division, Department of Justice, shows a balance of Board funds: \$13,584.46.

The Chairman then recognized Mr. Hoklin, Board Administrator, to present the budget developed by the staff for the Division of Forensic Science, Fiscal Year 1980 and Fiscal Year 1981. Mr. Hoklin explained that the budget proposal reflects:

1. The content of the Board's resolutions and discussions on matters of siting, physical plant, personnel and proposed regulations.

2. The content of statutes codified according to the Montana Forensic Science System Act.
3. Limitations imposed by the projected funds to be available from the Attorney General's proposed earmarked revenue legislation (see Meeting Record for October, 1978).
4. Research into budget proposals set forth in previous years toward establishing a Montana forensic science system.
5. Analysis of data supplied by out-of-state forensic science systems.

Mr. Hoklin referred to the budget categories he'd outlined earlier on the chalkboard. The full budget, he explained, would appear in the Board's Report in much the same form as the budget packets distributed to members that morning. The Budget in all major categories follows:

	<u>FY '80</u>	<u>FY '81</u>
Present Criminal Investigation Lab	\$150,000	\$150,000
Debt service (\$500,000 bond issue)	50,000	50,000
Rent	980	9,765
Personnel	104,063	156,938
Contracted Services:		
Bonds	560	594
Printing	2,400	2,400
Supplies	2,400	2,544
Communications	10,890	10,372
Travel	20,013	18,924
Other (transportation & relocation, etc)	23,000	0
Repairs	100	100
Capital Outlay (desks, furniture, etc.)	5,100	0
TOTAL DIVISION OF FORENSIC SCIENCE	<u>\$369,506</u>	<u>\$401,637</u>
BUDGET		

Prior to discussing the individual budget categories in detail, Mr. Hoklin noted that the overall budget in conjunction with the Attorney General's earmarked revenue proposal represents an actual reduction of approximately \$300,000 for the coming biennium in tax revenue needed for scientific investigations of crime in Montana. This fact, he explained, results from withdrawing the present Criminal Investigation Laboratory Bureau budget from the general fund (approximately \$150,000 annually), thereby reducing the Department of Justice's reliance on income and property tax revenues; he urged the Board to stress this fact if asked to account for the overall budget increase of \$219,506 for Fiscal Year 1980 and \$251,637 for Fiscal Year 1981.

Mr. Hoklin also reminded the Board that the budget as it appears above is a Division-level budget; it does not detail specific operations within the present Criminal Investigation Laboratory Bureau or the future Laboratory of Criminalistics Bureau. All budget items below the first one (present Criminal Investigation Lab) represent the proposed expansion of current services toward a comprehensive state forensic science system.

Mr. Hoklin then referred the Board to the category of Personnel, noting that the budget expansion accounts only for the Medical Examiner, an Administrative Assistant to the Medical Examiner, a Laboratory Director (Chief of the new Laboratory of Criminalistics Bureau), a Fire Arms and Tool Marks Examiner (this position is interchangeable with other lab positions, e.g., Serologist, Chemist, Questioned Documents Examiner, etc.), and an additional secretary. In enacting Resolution #14, said Mr. Hoklin, the Board called for a greater expansion of services, incorporating into the resolution Criminal Investigation Laboratory Bureau Chief Arnold Melnikoff's excellent report and recommendations to achieve a comprehensive, full-service forensic science system (see attachment to Resolution #14). Limited available revenue, however, necessitated a "first-step" approach in designing the budget, i.e., programing a forensic science operation that is admittedly less than comprehensive, but expandable in accordance with unanticipated revenue available through the earmarked revenue account. In any event, said Mr. Hoklin, the Attorney General's goal is a comprehensive system that matches the one outlined by Mr. Melnikoff and approved by the Board, and given the Legislature's approval of the budget and funding source, will proceed to upgrade the new system at the very earliest opportunity. Revenue projections, Mr. Hoklin observed, must necessarily be conservative, because nobody can predict precisely how much can be generated through user-cost adjustments in government services.

After a lengthy discussion with the Board in which Mr. Hoklin explained the rationale in projecting budget totals in each of the categories, he concluded with the following observation: In purely practical terms, the proposed budget represents a concerted effort to furnish dramatic improvements in law enforcement services at very low cost; for each fiscal year of the coming biennium, the total budget of the Division of Forensic Science is well below half a million dollars; bearing in mind that the budget and funding package represent an actual reduction of \$300,000 in tax revenue demanded from the public, the Division of Forensic Science is a bargain to say the least.

Chairman Pfaff called for a resolution to approve the projected budget as described by Mr. Hoklin. Mr. Griffith so moved (Resolution #48: DFS Budget) and Dr. Newman seconded. The Board unanimously enacted Resolution #48. (See attached Budget).

Chairman Pfaff offered the suggestion that the Board forego its scheduled December meeting and entertain Mr. Dye's proposal to hold a special January meeting. The meeting would include as many members of the Board's constituent associations as possible. The purpose would be to present a detailed briefing concerning the Board's deliberations, reasoning, research and conclusions. Mr. Hoklin suggested that such a meeting be in conjunction with a briefing for Legislators--an oral report, as it were--based on the written report. By acclamation, the Board elected to forego its December meeting in favor of the kind of meeting proposed by Mr. Dye. Chairman Pfaff instructed the staff to develop the format and content of the January meeting and to make the necessary logistical arrangements. The staff should also arrange to receive the guidance of the Coordinating Committee and should contact all Board members for input as to time and place.

Having no further business, the Board adjourned at 4:45 p.m.

JOHN PFAFF, Chairman

MICKY NELSON,
Secretary-Treasurer

PROPOSED RULES AND REGULATIONS

DIVISION OF FORENSIC SCIENCE

The following regulations are promulgated by the Montana Board of Forensic Science to establish policy and set forth necessary procedures for the functioning of the division of forensic science. These rules are adopted under authority of sections 82-433 and 82-434, R.C.M. 1947.

1. Throughout, the terms "deceased human body", "corpse" and "body" are interchangeable. A "physician" is a licensed doctor of medicine, licensed in the state in which the death occurs.
2. The following rules apply before a body may be embalmed, cremated or dissected and when a death occurs or a body is found in any of the following circumstances:
 - (a) criminal violence;
 - (b) by accident;
 - (c) suddenly, when in apparent good health;
 - (d) by suicide;
 - (e) when unattended by a practicing physician;
 - (f) in any prison or penal institution;
 - (g) when in custody of any law enforcement agency;
 - (h) in any suspicious or unusual circumstances;
 - (i) by criminal abortion;
 - (j) by poison;
 - (k) by disease constituting a threat to the public health;
 - (l) by disease, injury, or toxic agent resulting from employment;
 - (m) when a corpse is brought into the state without proper medical certification.
3. "Unattended by a practicing physician:" Attendance is not meant to imply physical presence at the time of death, but refers to medical knowledge concerning the deceased which, in consideration of the circumstances of death, enables the physician to certify the death as due to natural disease.
4. Report of an investigation, autopsy or related test shall only be released to persons entitled to receive it by statute or in those cases where the Right to Know overcomes the Right of Privacy, as defined in the Montana Constitution.

5. Public access to the results of a report not covered by statute shall be left to the discretion of the public official who produced the report, following consultation with the State Medical Examiner.
6. Qualifications of the State Medical Examiner - A forensic pathologist qualified or certified by the American Board of Pathology, licensed to practice medicine in the State of Montana.
7. The Medical Examiner shall be appointed by the Montana Board of Forensic Science or by the Attorney General following termination of said Board.
8. The Medical Examiner shall be the Administrator of the Division of Forensic Science, Department of Justice.
9. The Medical Examiner shall appoint the Director of the Montana Laboratory of Criminalistics.
10. The Medical Examiner and Laboratory Director may be removed from office only for neglect of duty, incompetency or other good cause, and only after a full hearing pursuant to the Administrative Procedures Act.
11. The Medical Examiner shall appoint Associate Medical Examiners to serve in designated regions.
12. The Medical Examiner shall, in appointing an Associate Medical Examiner, solicit and accept nominations from the associations representing Coroners, County Attorneys, law enforcement officers and physicians in the Associate Medical Examiner region, and shall make the appropriate appointment from among the nominations.
13. The Medical Examiner shall provide assistance and consultation to each Associate Medical Examiner, Coroner and law enforcement agency.
14. The Medical Examiner shall establish Associate Medical Examiner regions at his discretion.
15. The Medical Examiner may appoint an Administrative Assistant.
16. The Medical Examiner shall negotiate per-case compensation for each Associate Medical Examiner after consultation with the County Commissioners and coroners in the region to be served by an Associate Medical Examiner.

17. Each Associate Medical Examiner serves at the pleasure of the State Medical Examiner.
18. The Medical Examiner shall maintain a forensic science training program for Associate Medical Examiners, Coroners and law enforcement agencies.
 - a. Training whenever possible, shall be made available through and in cooperation with the Montana Law Enforcement Academy Bureau.
 - b. Training when necessary, may be provided in local areas.
19. The Medical Examiner shall stimulate and direct research in the field of forensic pathology.
20. The Medical Examiner may adopt uniform guidelines and forms for the operation of the forensic science system.
21. The Medical Examiner may perform or request the performance of an autopsy or any other laboratory examination when sufficient cause exists to believe such examination is in the public interest.
22. The Medical Examiner may retain necessary specimens and evidence.
23. The Medical Examiner shall issue to the County Attorney a written report, specifying the cause of death, and shall furnish copies to the Coroner and investigating law enforcement agency.
24. The Medical Examiner shall assist with identification of unidentified bodies, upon request of a local law enforcement agency or coroner.
25. The Medical Examiner shall provide court testimony when necessary.
26. The Medical Examiner shall maintain copies of records and detailed findings of autopsy and laboratory investigations.
27. The Laboratory Director shall be appointed by and be responsible to the Medical Examiner and his qualifications shall be determined by the Medical Examiner with approval of the Attorney General.
28. The Laboratory Director shall be chief of the Laboratory of Criminalistics Bureau within the Division of Forensic Science.

29. The Laboratory Director shall hire laboratory personnel.
30. The Laboratory Director shall render decisions as to the disposition of specimens submitted to the laboratory.
31. The Laboratory Director shall perform all other duties assigned by the Medical Examiner.
32. The Laboratory Director shall assist with training offered by the Division.
33. The Laboratory Director shall employ both internal and external means of evaluating the laboratory's professional performance and shall report the results of these evaluations as required by the Medical Examiner.
34. The Laboratory Director shall supervise analysis of specimens and evidence submitted by all state, county and city law enforcement agencies, coroners, and by all state agencies, without charge.
35. The Laboratory Director shall provide court testimony when required.
36. The Laboratory Director shall determine which specimens to accept from other states, dependent upon the current work load and capability of the laboratory.
37. The Laboratory Director may charge reasonable fees for analyses of specimens and evidence accepted from out-of-state. The fees shall be determined by the Laboratory Director, with the approval of the Medical Examiner, and may include any additional expenses relating to testimony regarding such analyses.
38. The Laboratory Director shall not accept specimens or evidence for analysis from a defendant in any criminal action without court order.
39. The Laboratory Director shall determine reasonable fees to be charged for analyses rendered to defendants in criminal actions with the approval of the Medical Examiner, including any additional expenses relating to testimony regarding such analyses.
40. Each Associate Medical Examiner shall be appointed by the Medical Examiner to serve at his or her pleasure in regions to be established by the Medical Examiner.
41. Each Associate Medical Examiner must be a doctor of medicine licensed to practice in Montana.

42. The Associate Medical Examiner may continue in private practice during appointment.
43. The Associate Medical Examiner shall charge to each county the fee for services performed at its request plus actual expenses.
44. The Associate Medical Examiner shall charge to the state the fee for services performed at its request plus actual expenses.
45. The Associate Medical Examiner shall cooperate and consult with Coroners, County Attorneys and law enforcement agencies in death investigations, and shall report all findings to the Coroner, the investigating law enforcement agency, the County Attorney and the Medical Examiner, using forms provided by the Division of Forensic Science.
46. Each Coroner may appoint, with the approval of the County Commissioners, one or more deputy coroners to assist him or to act in his absence. The deputy coroner may be a Coroner from another county.
47. Each Coroner is urged to participate in forensic science training offered by the Division, at the Montana Law Enforcement Academy Bureau or at local sites.
48. The Coroner shall notify the Medical Examiner and appropriate law enforcement agencies in every case of suspicious death.
49. The Coroner shall relinquish any property found with or upon the person of the deceased, which is not considered evidence, to the appropriate Public Administrator.
50. The Coroner shall order an autopsy whenever he determines this to be necessary.
51. A Coroner shall not be required to pay a fee for the services of the Laboratory of Criminalistics when rendered to him in his official capacity.
52. The Coroner shall, in cooperation with the Public Administrator, when applicable, cause the body of a deceased person which has been in custody for purposes of examination, to be decently interred, when the body remains unclaimed and when the death of that person occurred within the boundaries of the county served by the Coroner.

53. The expense of interment, when there is insufficient property in the estate of the decedent to pay for such, shall be charged against the county within which the death occurred.
54. A Coroner shall report every investigation, using the appropriate printed form furnished by the Division of Forensic Science, to the State Medical Examiner with copies to the law enforcement agency having jurisdiction, the County Attorney and any Associate Medical Examiner involved in the investigation.

MEMORANDUM OF UNDERSTANDING

The County of Gallatin, State of Montana, hereby offers to the State of Montana the use and possession of the following described real property under the terms of the Interlocal Cooperation Act of Title 16, Chapter 49, R.C.M 1947, for the construction and operation of a State Forensic Sciences Facility for a period of 99 years from the date of acceptance of this offer.

A tract of land in the W 1/2 SW 1/4 of Section 12, T.2S., R.5 E. P.M.M. in Gallatin County, Montana, more particularly described as follows:

Beginning at the N 1/16 corner of the SW 1/4 of said Section 12, thence South - 1335.51 feet, thence West - 147.34 feet, thence S 0°24'14" E - 408.39 feet to the true point of beginning, thence S 0°24'14" E - 544.63 feet, thence S 89°09'57" W - 130.39 feet, thence North - 150 feet, thence N 53° 30'53" W - 238.44 feet, thence N 0°24'14" W - 250.00 feet, thence N 89°09'03" E - 320 feet to the point of beginning 3.029.

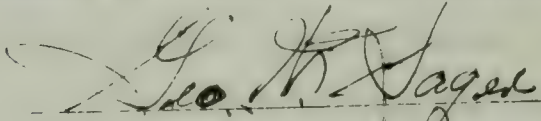
In consideration of the mutual benefit to accrue to the State of Montana and to the County of Gallatin by locating a Forensic Sciences Facility in the County of Gallatin on the above described property, the County agrees that this offer shall remain open and exercisable by the State of Montana until July 30, 1979.

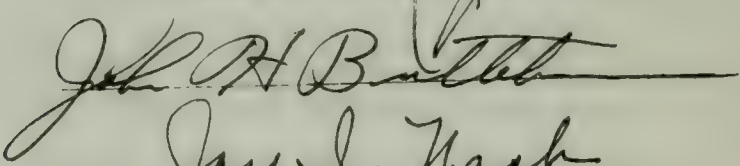
This option may be exercised by the Attorney General of the State of Montana by written notice directed to the Board of County Commissioners of the County of Gallatin specifying

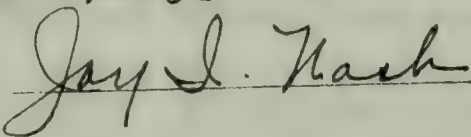
the intention of the State to commence construction of a Forensic Science Facility on the above described site within one year of the exercise of said option.

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement this 11th day of December 1978.

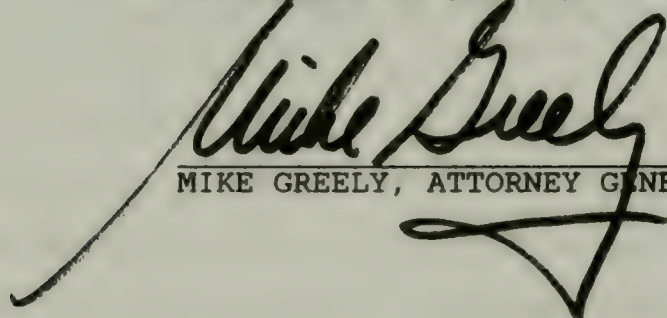
STATE OF MONTANA, COUNTY OF GALLATIN
BOARD OF COUNTY COMMISSIONERS







STATE OF MONTANA
DEPARTMENT OF JUSTICE



MIKE GREELY, ATTORNEY GENERAL

CHAPTER III

RESOLUTIONS

INTRODUCTION

The resolutions which follow are a record of the Board's actions and decisions. Reflected within each resolution are the substantive issues the Board considered in its efforts to establish the Division of Forensic Science.

For the reader's convenience, there is a numerical listing of the resolutions. Within the list are resolution numbers, titles and dispositions. Following the list are the resolutions in their entirety. The date of the resolution corresponds to the meeting at which the resolution was introduced.

MONTANA BOARD OF FORENSIC SCIENCE

RESOLUTIONS

<u>DATE:</u>	<u>NO.</u>	<u>TITLE:</u>	<u>DISPOSITION:</u>
1/25/78	1	Coordinating Committee	Adopted
2/22/78	2	Retention of Coroner Concept	Adopted
3/29/78	3	Associate Medical Examiner System	Adopted
3/29/78	4	Amendment of H.B. 461 to Create Bureau of Forensic Science	Adopted
3/29/78	5	Establishment of Medical Examiner as Bureau Chief	Rejected
3/29/78	6	Medical Examiner's Office be a Separate Bureau	Tabled by substitute motion
3/29/78	7	Table Medical Examiner Separate Bureau Motion	Adopted
3/29/78	8	Appointment of Member of State Assoc. of Morticians as Representative to Board	Adopted
4/26/78	9	Review of Committee Priorities	Adopted
4/26/78	10	To reconsider Resolution #6	Adopted
4/26/78	11	To establish a Division of Forensic Sci. (Supercedes #4, Dispenses #6, #10)	Adopted
4/26/78	12	Conflicting Resolutions	Adopted
5/24/78	13	Secretarial Staff for the Division of Forensic Science	Adopted
5/24/78	14	Expansion of Crime Laboratory Services	Adopted
5/24/78	15	Qualifications for Coroner	Tabled by Substitute Res. #16

<u>DATE:</u>	<u>NO.</u>	<u>TITLE:</u>	<u>DISPOSITION:</u>
5/24/78	16	Deferral of Resolution #15	Adopted
5/24/78	17	Deferral of Division of Forensic Science Site Selection	Adopted
5/24/78	18	Amendment of H.B. 461: Cooperation with MLEA	Adopted
5/24/78	19	Amendment to H.B. 461: Selection of AME's	Adopted
5/24/78	20	Amendment to H.B. 461: Cost Coverage of Forensic Science	Adopted
5/24/78	21	Amendment to H.B. 461: Primary Purpose of "Crime "Lab"	Tabled by Substitute Res. #22
5/24/78	22	Deferral of Resolution #21	Adopted
5/24/78	23	Amendment to H.B. 461: Procedures Upon Suspicious Deaths	Adopted
6/28/78	24	Amendment to H.B. 461: Primary Purpose of "Crime Lab"	Referred back to Committee for Discussion
6/28/78	25	Amendment to H.B. 461: Complete Reinstatement of Section 15: Suspicious Deaths	Adopted
6/28/78	26	Amendment to H.B. 461: Delete Section 23 - Deaths in State Prison	Adopted
6/28/78	27	Rescind Resolution #13: Secretarial Staff for Division of Forensic Science	Adopted

<u>DATE</u>	<u>NO.</u>	<u>TITLE:</u>	<u>DISPOSITION:</u>
6/28/78	28	Rescind Resolution #15: Qualifications for Coroner	Adopted
6/28/78	29	Qualifications and Training for Coroners: To be con- sidered at August Meeting	Adopted
6/28/78	30	Compensation for Coroners: To be considered at August Meeting	Adopted
8/16/78	31	Rescission of Nelson's Reso- lutions #29, #30: Deferral	Adopted
8/16/78	32	Disposing of Resolution #21: Primary Purpose of Lab	Adopted
8/16/78	33	Development of Legal Def- initions	Adopted
9/27/78	34	Architect Contract: Supple- mentation	Adopted
9/27/78	35	Amend Resolution #29: Quali- fications and Training for Coroners: To be considered at August Meeting	Adopted
9/27/78	36	Adoption of Resolution #29 as amended	Rejected
9/27/78	37	Referral of Resolution #29	Adopted
9/27/78	38	Adoption of Resolution #30: Compensation for Coroners: To be considered at August Meeting	Adopted
9/27/78	39	Amendments to H.B. 461	Adopted
9/27/78	40	Drafting General Rules and Regulations for the Forensic Science System	Adopted as Amended
9/27/78	41	Amendments to Resolution #40	Adopted

<u>DATE:</u>	<u>NO.</u>	<u>TITLE</u>	<u>DISPOSITION</u>
9/27/78	42	Money Allocated for the Cost of the Board's Report	Adopted
9/27/78	43	October 25, 1978 Meeting of the Board of Forensic Science to be held in Bozeman, Montana	Adopted
9/27/78	44	December Meeting of the Forensic Science Board	Adopted
10/25/78	45	Physical Resources Committee: Recommendation for locating the Division of Forensic Science	Adopted
11/29/78	46	Reinstate Section 15 of H.B. 461 into Law	Adopted
11/29/78	47	Rules and Regulations for the Division of Forensic Science	Adopted
11/29/78	48	Division of Forensic Science Budget	Adopted

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 1/25/78

NO. -1-

TITLE Coordinating Committee
(Subject)

OFFERED BY: Mickey Nelson

SECONDED BY: Dale Dye

EXPLANATION: Resolved that a Coordinating Committee be named,
(Language within the motion)
and that it be comprised of Chairman Pfaff, Don White,
Mickey Nelson, Fritz Behr and Lonn Hoklin

DISCUSSION: _____
(Abstract of Board members' views, questions, observations)

To help make decisions on dispensing funds available to
Board and coordinating costs for consultants

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: _____
(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 2/22/78

NO. -2-

TITLE Retention of Coroner Concept
(Subject)

OFFERED BY: Dale Dye

SECONDED BY: Mickey Nelson

EXPLANATION: Resolved that the Board recommend retention of
(Language within the motion)
the coroner system.

DISCUSSION: (Abstract of Board members' views, questions, observations)

Stressed intent to retain local control through retention
of coroner concept, even if slightly differing in form
from present system. Strongly suggested higher level of
standards and salary level.

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: (If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 3/29/78

NO. -3-

TITLE Associate Medical Examiner System
(Subject)

OFFERED BY: Dale Dye

SECONDED BY: Bob Griffith

EXPLANATION: Resolved that the Board adopt an Associate
(Language within the motion)
Medical Examiner system with Associate Medical Examiner
regions.

DISCUSSION: (Abstract of Board members' views, questions, observations)

Work done on regional basis much less expensive than the
alternative concept of one central facility. Associate
Medical Examiners to have assistance of Chief Medical
Examiner when needed. Presently, autopsies done on regional
basis.

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: (If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 3/29/78

NO. -4-

TITLE Amendment of H.B. 461 to create Bureau of Forensic Science
(Subject)

OFFERED BY: Don White - Basic Operations and Planning Committee

SECONDED BY: _____

EXPLANATION: Resolved that H.B. 461 be amended to create a
(Language within the motion)
Bureau of Forensic Science under Law Enforcement Services
Division of the Department of Justice.

DISCUSSION: "Division" implies proliferation of government.
(Abstract of Board members' views, questions, observations)
A Bureau might be more saleable. State budgeting process
might be easier and require less administrative time of
Medical Examiner. Department of Justice working toward con-
solidated Capital building plan and uniform budget presenta-
tions by all Department of Justice agencies. Task Force
considered Division to be best administrative configuration
for Forensic Science System. Can always change resolution.

DISPOSITION: Adopted.
(Adopted, Rejected, Tabled)

DISSENTING VOTES: _____
(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 3/29/78

NO. -5-

TITLE Establishment of Medical Examiner as Bureau Chief
(Subject)

OFFERED BY: Don White - Basic Operations and Planning Committee

SECONDED BY: _____

EXPLANATION: Resolved that the Forensic Science system be
(Language within the motion)
one bureau under Medical Examiner as bureau chief.

DISCUSSION: _____
(Abstract of Board members' views, questions, observations)

Possible competition between lab and pathology. Too much
time involved for Medical Examiner in administrative duties.
Sharing lab facilities, space and personnel more efficient
as one bureau.

DISPOSITION: Rejected.
(Adopted, Rejected, Tabled)

DISSENTING VOTES: _____
(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 3/29/78

NO. -6-

TITLE Medical Examiner's office be a separate bureau
(Subject)

OFFERED BY: Mickey Nelson

SECONDED BY: Dale Dye

EXPLANATION: Resolved that the Medical Examiner's office be
(Language within the motion)
a separate bureau under Law Enforcement Services Division,
Department of Justice.

DISCUSSION: (Abstract of Board members' views, questions, observations)
Should retain "unicorn" concept and not divide into two bureaus.
Would require many amendments to the bill. Medical Examiner
is qualified in criminalistics. Section 9 of H.B. 461 explored
duties of Medical Examiner. One bureau would require another
administrator because of Medical Examiner's travel. Medical
Examiner would be burdened with administrative duties. Who
would report to whom? Attorney General can always reorganize.

DISPOSITION: Tabled by substitute motion.
(Adopted, Rejected, Tabled)

DISSENTING VOTES: (If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 3/29/78

NO. -7-

TITLE Table Medical Examiner Separate Bureau Motion
(Subject)

OFFERED BY: Gene Kizer

SECONDED BY: Bob Griffith

EXPLANATION: Substitute motion to table original motion
(Language within the motion)
for separate Medical Examiner Bureau.

DISCUSSION: _____
(Abstract of Board members' views, questions, observations)

Need for more consideration of proposal for Medical Examiner
separate bureau as opposed to one bureau combined with the
criminalistics laboratory.

DISPOSITION: Adopted.
(Adopted, Rejected, Tabled)

DISSENTING VOTES: _____
(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 3/29/78

NO. -8-

TITLE Appointment of member of State Association of Morticians
as representative to Board.
(Subject)

OFFERED BY: Dale Dye

SECONDED BY: Bob Griffith

EXPLANATION: Resolved that the Board recommend to the
(Language within the motion)
Attorney General that he appoint a member of State Association
of Morticians as representative to Board of Forensic Science
to attend at own expense with no voting privilege.

DISCUSSION: (Abstract of Board members' views, questions, observations)

Morticians are involved and interested in death investigations.
Desirable to have support for system and to help obtain funding
from legislature. Cooperation on local level imperative.

DISPOSITION: Adopted.
(Adopted, Rejected, Tabled)

DISSENTING VOTES: (If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 4/26/78

NO. -9-

TITLE Review of Committee Priorities
(Subject)

OFFERED BY: Dale Dye

SECONDED BY: John Newman

EXPLANATION: Resolved that each committee produce a list of
(Language within the motion)
priorities within its area of concern for presentation to
the entire Board at the May 24, 1978 meeting.

DISCUSSION: _____
(Abstract of Board members' views, questions, observations)

Because of duplicated committee efforts to date and the
short amount of time left to the Board, committees require
full Board guidance in addressing concerns associated with
a state forensic science system.

DISPOSITION: Adopted.
(Adopted, Rejected, Tabled)

DISSENTING VOTES: _____
(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 4/26/78

NO. -10-

TITLE To Reconsider Resolution #6
(Subject)

OFFERED BY: Don White

SECONDED BY: Fritz Behr

EXPLANATION: Resolved that the Board reconsider a previously
(Language within the motion)
tabled resolution to establish a Medical Examiner's Office
as a separate bureau from a criminalistics laboratory bureau.

DISCUSSION: _____
(Abstract of Board members' views, questions, observations)

Resolution #6 had been tabled for further consideration at
the meeting of March 29, 1978.

DISPOSITION: Adopted.
(Adopted, Rejected, Tabled)

DISSENTING VOTES: _____
(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 4/26/78

NO. -11-

TITLE To Establish a Division of Forensic Science
(Subject)

OFFERED BY: Don White

SECONDED BY: Bob Griffith

EXPLANATION: Resolved that the Board establish within the
(Language within the motion)

Department of Justice a Division of Forensic Science with the

Medical Examiner as Division Administrator; that the Laboratory

of Criminalistics be a Bureau within the Division of Forensic
Science, with the Laboratory Director as Bureau Chief.

DISCUSSION: The 1977 Legislature intended the state forensic

(Abstract of Board members' views, questions, observations)
science operation to be a Division within the Department of

Justice (H.B. 461). Potential discord and competition between

the criminalistics laboratory and the forensic pathology opera-

tion are eliminated by Resolution #3 (to adopt a regional

Medical Examiner system utilizing local pathology laboratory

facilities in lieu of a state forensic pathology laboratory).

The entire system will function more productively with one

person (the Medical Examiner) in charge. This Resolution super-

cedes Resolution #4 and disposes of Resolutions #6 and #10.

DISPOSITION: Adopted.

(Adopted, Rejected, Tabled)

DISSENTING VOTES: _____

(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 4/26/78

NO. -12-

TITLE Conflicting Resolutions
(Subject)

OFFERED BY: Dale Dye

SECONDED BY: Don White

EXPLANATION: Resolved that any Resolution enacted by the
(Language within the motion)
Board supercedes any and all conflicting motions and Resolu-
tions enacted previously.

DISCUSSION: This method provides needed flexibility in
(Abstract of Board members' views, questions, observations)
decision-making inasmuch as the Board may subsequently review
previous decisions without negotiating complex procedures.
Changing a policy or decision still requires approval by the
full Board through Resolution.

DISPOSITION: Adopted.
(Adopted, Rejected, Tabled)

DISSENTING VOTES:
(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 5/24/78

NO. -13-

TITLE Secretarial staff for the Division of Forensic Science
(Subject)

OFFERED BY: Mickey Nelson

SECONDED BY: Personnel Resources Committee

EXPLANATION: Resolved that the Division of Forensic Science
(Language within the motion)
have one secretary in addition to the secretarial staff

presently employed by the Crime Laboratory Bureau; salary and
benefits for two years shall not exceed \$17,000; the Division
of Forensic Science shall establish qualifications.

DISCUSSION: _____
(Abstract of Board members' views, questions, observations)

To provide secretarial assistance to the Medical Examiner inas-
much as the secretarial staff now employed by Crime Laboratory
Bureau will continue in its present capacity when the Bureau
becomes the Laboratory of Criminalistics Bureau with the
Division of Forensic Science.

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: _____
(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 5/24/78

NO. -14-

TITLE Expansion of Crime Laboratory Services
(Subject)

OFFERED BY: Fritz Behr

SECONDED BY: Mickey Nelson

EXPLANATION: [See attached Resolution #14 -- EXPLANATION]
(Language within the motion)

DISCUSSION: _____
(Abstract of Board members' views, questions, observations)

DISPOSITION: Adopted.
(Adopted, Rejected, Tabled)

DISSENTING VOTES: _____
(If requested by dissenting members)

RESOLUTION #14:
EXPLANATION

Resolved that the present crime laboratory services be expanded in accordance with recommendations submitted to the Board of Forensic Science by Crime Laboratory Bureau Chief Arnold Melnikoff, entitled: A Proposal to Expand Present Criminal Investigation Laboratory to a Basic, Routine, Full-Service Crime Laboratory at Minimal Cost.

*Editor's Note -- For purposes of this publication the balance of Resolution #14, which is the report entitled "A Proposal To Expand Present Criminal Investigation Laboratory To A Basic, Routine Full Service Crime Laboratory At Minimal Cost" can be found in Chapter 5 attached to the architect's contract as Exhibit B.

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 5/24/78 NO. -15-

TITLE Qualifications for Coroner
(Subject)

OFFERED BY: Mickey Nelson

SECONDED BY: Personnel Resources Committee

EXPLANATION: [See attached Resolution #15--Explanation]
(Language within the motion)

DISCUSSION: Coroner training should make maximum use of MLEA.
(Abstract of Board members' views, questions, observations)
The Legislature can legally impose qualifications for
elective offices. A remaining question is whether County
Commissioners could give unfair advantage to incumbent
coroners by funding Coroner training. The resolution
emphasizes achieving a system in which the job of Coroner
is the office-holder's primary concern. The question of
compensation arose with debate over salaries versus compen-
sation on the basis of case load.

DISPOSITION: Tabled by substitute Resolution #16
(Adopted, Rejected, Tabled)

DISSENTING VOTES: _____
(If requested by dissenting members)

RESOLUTION #15:

EXPLANATION

Resolved that the Montana Board of Forensic Science establish the following qualifications for the Office of County Coroner:

1. That a person who files for election to the Office of County Coroner meet the general qualifications for a county office holder established in §16-2401, R.C.M. 1947, and be:

(a) At least twenty-three years of age at the time of election.

(b) A high school graduate or equivalent as determined by the State of Montana Superintendent of Public Instruction.

2. That every County Coroner, before assuming the duties of that Office, shall take the constitutional oath of that Office to be filed with the County Clerk, and whether elected or appointed shall satisfy the County Clerk that he or she has completed the basic Coroner course of study established by the Medical Examiner; or, if appointed between those dates upon which the basic Coroner course of study is offered, shall, before assuming the duties of that Office, sign a letter of intent to complete the course of study at its next offering, and shall be disqualified from holding the Office of Coroner for failure to execute the letter of intent.

Be it further resolved that the Medical Examiner shall establish and present a basic coroner course of study as soon as practicable after every general election; and that the course of study shall include a minimum of eighty hours of instruction; and that student coroners, whether elected or appointed, shall be paid by their respective counties for mileage and per diem costs incurred by attendance of the basic Coroner course of study; and that completion of the basic Coroner course of study shall be a duty of the Office of Coroner to be compensated by the respective counties in salary paid to their respective student Coroners; and that the State of Montana shall pay all costs associated with establishing and presenting the basic Coroner course of study.

Be it further resolved that the Medical Examiner shall establish and present an advanced Coroner course of study annually; and that every County Coroner, whether elected or appointed, shall complete the advanced Coroner course of study at least once within every three year period after assuming the duties of that office, and that a County Coroner

shall be disqualified from holding that office for failure to meet this requirement; and that County Coroners, whether elected or appointed, shall be paid by their respective counties for mileage and per diem costs incurred by attendance of the advanced Coroner course of study; and that completion of the advanced Coroner course of study shall be a duty of the Office of Coroner to be compensated by the respective counties in salary to their respective Coroners; and that the State of Montana shall pay all costs associated with establishing and presenting the advanced Coroner course of study.

Be it further resolved that all provisions heretofore specified apply equally to the office of Deputy County Coroner, and that every County Coroner shall ensure the availability of qualified sworn Deputy County Coroners.

Be it further resolved that the Medical Examiner shall establish and present the courses of study heretofore specified with maximum utilization of the facilities and resources of the Montana Law Enforcement Academy Bureau.

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 5/24/78

NO. -16-

TITLE Deferral of Resolution #15
(Subject)

OFFERED BY: Dale Dye

SECONDED BY: Fritz Behr

EXPLANATION: Resolved that Resolution #15 be referred back
(Language within the motion)
to the Personnel Resources Committee for further study, and
that Resolution #15 be considered by the full Board at the
June meeting.

DISCUSSION: (Abstract of Board members' views, questions, observations)

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: (If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 5/24/78

NO. -17-

TITLE Deferral of Division of Forensic Science Site Selection
(Subject)

OFFERED BY: Dale Dye

SECONDED BY: Don White

EXPLANATION: Resolved that the Board defer consideration of
(Language within the motion)
a site for the Division of Forensic Science until the June
meeting.

DISCUSSION: The Board discussed a site rating system
(Abstract of Board members' views, questions, observations)
presented by the Physical Resources Committee and decided that
Board members needed time to consult their respective constituent
associations before reaching a decision.

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: _____
(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 5/24/78

NO. -18-

TITLE Amendment to H.B. 461: Cooperation with MLEA
(Subject)

OFFERED BY: Dale Dye

SECONDED BY: Don White

EXPLANATION: [See attached Resolution #18--Explanation]
(Language within the motion)

DISCUSSION: The Board wished to underscore the importance
(Abstract of Board members' views, questions, observations)
and efficacy of utilizing the Montana Law Enforcement Academy
Bureau in providing training for all individuals associated
with the Forensic Science System.

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: _____
(If requested by dissenting members)

RESOLUTION #18:

EXPLANATION

Resolved that H.B. 461, Montana Forensic Science System Act,
be amended as follows:

Page 5, Lines 3-5, amended to read:

"(4) cooperate with the Montana Law Enforcement Academy Bureau
in providing an on-going educational training program for
associate medical examiners, coroners, and law enforcement
officers."

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 5/24/78 NO. -19-

TITLE Amendment to H.B. 461: Selection of AMEs
(Subject)

OFFERED BY: Dale Dye

SECONDED BY: Don White

EXPLANATION: [See attached Resolution #19--Explanation]
(Language within the motion)

DISCUSSION: The Board wishes to ensure guidance from
(Abstract of Board members' views, questions, observations)
professional associations representing the law enforcement
community in selection of Associate Medical Examiners.

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: _____
(If requested by dissenting members)

RESOLUTION #19:
EXPLANATION

Resolved that H.B. 461, Montana Forensic Science System Act,
be amended as follows:

Page 5, Lines 8-9, amended to read:

"(6) solicit and accept nominations from professional
associations representing coroners, county attorneys and
law enforcement officers for associate medical examiners,
and to appoint one or more regional associate medical
examiners from those nominations."

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 5/24/78

NO. -20-

TITLE Amendment to H.B. 461: Cost Coverage of Forensic Science
(Subject)

OFFERED BY: Dale Dye

SECONDED BY: John Newman

EXPLANATION: Resolved that H.B. 461, Montana Forensic Science
(Language within the motion)
System Act, be amended as follows: Page 5, Line 22: Delete
Lines 22-24.

DISCUSSION: The Board wished to eliminate inconsistencies
(Abstract of Board members' views, questions, observations)
in the Act concerning cost coverage of forensic science
services.

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: _____
(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 5/24/78

NO. -21-

TITLE Amendment to H.B. 461: Primary Purpose of "Crime Lab."
(Subject)

OFFERED BY: Dale Dye

SECONDED BY: Don White

EXPLANATION: [See attached Resolution #21--Explanation]
(Language within the motion)

DISCUSSION: The Resolution's purpose is to delineate the
(Abstract of Board members' views, questions, observations)
law enforcement priority of the Laboratory of Criminalistics.

The Board examined the following questions: Is the term
"specimens" too oriented toward forensic pathology at the
expense of other functions? Does the statutory language
encourage debilitating defense tactics? Does the language
encourage an overload of civil cases? Should the language
require a court order to refer defense requests for analysis
to the laboratory?

DISPOSITION: Tabled by substitute Resolution #22.
(Adopted, Rejected, Tabled)

DISSENTING VOTES: _____
(If requested by dissenting members)

Resolution #21

EXPLANATION

Resolved that H.B. 461, Montana Forensic Science System Act,
be amended as follows:

Page 6, Lines 1-5, amended to read:

"The laboratory's primary purpose is to perform analysis of
specimens submitted by all Montana state, county, or city
law enforcement officials, and all state agencies. The
laboratory may also accept referrals and specimens from
other sources if accepted by the laboratory director."

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 5/24/78

NO. -22-

TITLE Deferral of Resolution #21
(Subject)

OFFERED BY: Dale Dye

SECONDED BY: Fritz Behr

EXPLANATION: Resolved that the Board refer Resolution #21
(Language within the motion)

back to the Basic Operations and Planning Committee for further
consideration prior to the June meeting.

DISCUSSION: _____
(Abstract of Board members' views, questions, observations)

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: _____
(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 5/24/78

NO. -23-

TITLE Amendment to H.B. 461: Procedures upon Suspicious Deaths
(Subject)

OFFERED BY: Don White

SECONDED BY: Basic Operations and Planning Committee

EXPLANATION: [See attached Resolution #23--Explanation]
(Language within the motion)

DISCUSSION: The Board wished to clarify those circumstances
(Abstract of Board members' views, questions, observations)
under which a coroner is obliged to conduct a death investi-
gation.

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES:
(If requested by dissenting members)

Resolution #23
EXPLANATION

Resolved, that H.B. 461, Montana Forensic Science System Act, be amended as follows:

Page 7, Lines 9-13, be amended to read:

"Section 15. Procedures upon suspicious deaths. (1) Before a body is embalmed, cremated or dissected, the coroner shall make or have performed any investigation he or she considers necessary whenever a death occurs or a body is found in his or her county and the death occurred under any of the following circumstances:"

Be it further resolved that Page 7, Lines 14-25, and Page 8, Lines 1-4, having been stricken from the law by H.B. 461 be reinstated.

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 6/28/78

NO. -24-

TITLE Amendment to H.B. 461: Primary Purpose of "Crime Lab."
(Subject)

OFFERED BY: Don White

SECONDED BY: Basic Operations and Planning Committee

EXPLANATION: [See attached Resolution #24--Explanation]
(Language within the motion)

DISCUSSION: [See attached sheet--Discussion]
(Abstract of Board members' views, questions, observations)

DISPOSITION: Referred back to committee for discussion
(Adopted, Rejected, Tabled)

DISSENTING VOTES: None
(If requested by dissenting members)

Resolution #24

EXPLANATION

Resolved that H.B. 461, Montana Forensic Science System Act,
be amended as follows:

Page 6, Lines 1-5, amended to read:

"The laboratory's primary purpose is to perform analysis of
specimens submitted by all Montana state, county, or city
law enforcement officials, and all state agencies. The
laboratory may also accept referrals and specimens from
other sources if accepted by the laboratory director."

Resolution #24

DISCUSSION

Same language as in Resolution #21 except word "officers" in third line changed to "officials." Committee felt rules and regulations promulgated by the Board or by the laboratory director can resolve the potential problem of accepting referrals and specimens from other sources. Questions regarding other sources: referrals by judges, requests by defense attorneys, public agencies, law enforcement officers. Should this be limited to criminal evidence as opposed to civil cases and can it be limited? Consideration of the correction to Resolution #21 regarding the possible requirement of a court order to refer defense requests to the laboratory. Definition of "deceased human body" should be made clear in H.B. 461 and should be interchangeable with the terms "body" and "corpse."

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 6/28/78

NO. -25-

TITLE Amendment to H.B. 461: Complete reinstatement of
(Subject) Section 15 -- Suspicious Deaths

OFFERED BY: Don White

SECONDED BY: Basic Operations and Planning Committee

EXPLANATION: Resolved that the Board recommend the following
(Language within the motion)
amendment to H.B. 461: Page 10, line 5: previously deleted

language is reinstated and appears as follows: "5 described in
section 15 of this act;" Be it furthered resolved that sections
of the Act subsequent to the reinstated section 15 be renumbered
accordingly.

DISCUSSION: Because Section 15 was reinstated, this amendment
(Abstract of Board members' views, questions, observations)
is only needed to be consistent and thorough.

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: None
(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 6/28/78

NO. -26-

TITLE Amendment to H.B. 461: Delete Section 23 -- Deaths in
(Subject) State Prison

OFFERED BY: Don White

SECONDED BY: Basic Operations and Planning Committee

EXPLANATION: Resolved, that the Board recommend the following
(Language within the motion)
amendment to H.B. 461: Page 11: delete lines 19 through 25
and renumber subsequent sections accordingly.

DISCUSSION: Section 22 is unnecessary because this material
(Abstract of Board members' views, questions, observations)
is covered in Title 95 of the Revised Codes of Montana. By
allowing Section 22 to remain in H.B. 461, this is made clear.
Therefore, Section 23 may be deleted as it is repetitious.

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: None
(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 6/28/78 NO. -27-

TITLE Rescind Resolution #13: Secretarial Staff for
(Subject) Division of Forensic Science

OFFERED BY: Mickey Nelson

SECONDED BY: Personnel Resources Committee

EXPLANATION: Resolved, that Resolution #13 be rescinded
(Language within the motion)

DISCUSSION: This resolution had been adopted through error.
(Abstract of Board members' views, questions, observations)

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: None
(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 6/28/78 NO. -28-

TITLE Rescind Resolution #15: Qualifications for Coroner
(Subject)

OFFERED BY: Mickey Nelson

SECONDED BY: Personnel Resources Committee

EXPLANATION: Resolved that Resolution #15 be rescinded
(Language within the motion)

DISCUSSION: This resolution had been referred back to the
(Abstract of Board members' views, questions, observations)
committee by Resolution #16. If the entire forensic division
is not funded by the legislature, the provisions in Resolution
#15 could be introduced as a separate legislative bill. For
the purposes of H.B. 461, a different approach would be better
and will be addressed in the resolution immediately following.

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: None
(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 6/28/78

NO. -29-

TITLE Qualifications and training for Coroners--to be
(Subject) considered at August meeting.

OFFERED BY: Mickey Nelson

SECONDED BY: Personnel Resources Committee

EXPLANATION: [See attached Resolution #29--Explanation]
(Language within the motion)

UNDERScoreD PORTIONS OF RESOLUTION ARE THOSE MINOR CHANGES
MADE DURING DISCUSSION.

DISCUSSION: [See attached Resolution #29--Discussion]
(Abstract of Board members' views, questions, observations)

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: None
(If requested by dissenting members)

Resolution #29

EXPLANATION

Resolved that the Montana Board of Forensic Science, at its August meeting, consider the following qualifications for the office of County Coroner:

1. That a person who files for election to the office of County Coroner meet the general qualifications for a county office holder established in Section 16-2401, R.C.M. 1947, and be:

(a) At least twenty-three years of age at the time of election or appointment.

(b) A high school graduate or equivalent as determined by the State of Montana Superintendent of Public Instruction.

2. That the Montana Law Enforcement Academy, in cooperation with the Medical Examiner, shall establish and present a Basic Coroner Course of Study as soon as practicable after every general election; and that the course of study shall be a minimum of eighty hours of instruction.

Be it further resolved that every County Coroner and Deputy Coroner, whether elected or appointed, before assuming the duties of that office, shall take the constitutional oath of that office and shall sign a letter of intent to complete the basic coroner course of study at its next offering; and, that every County Coroner and Deputy Coroner shall file with the County Clerk the constitutional oath of that office with the signed letter of intent as soon as practicable following election or appointment, or be disqualified from holding the Office of County Coroner and Deputy Coroner.

Be it further resolved that the Montana Law Enforcement Academy, in cooperation with the Medical Examiner, shall establish and present an advanced Coroner course of study annually; and that every County Coroner, whether elected or appointed shall complete the advanced Coroner course of study at lease once within every three year period after completion of the Basic Coroner Course of Study, and that a County Coroner shall be disqualified from holding that office for failure to meet this requirement.

Resolution #29
DISCUSSION

This material is intended as a replacement for Resolution #15. Don White pointed out there may be some conflict with Resolution #18 which related to Page 5, Section 10, lines 3 through 5 of H.B. 461. Also, a question of whether the Montana Law Enforcement Academy would be allowed to provide training for coroners. Director of the Academy was consulted and stated that since coroners have power of arrest under certain circumstances and work within the criminal justice system, training could be offered. Stated there would be no problem with the advisory board. Committee agreed to present this resolution at the August meeting to allow time for perusal.

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 6/28/78

NO. -30-

TITLE Compensation for Coroners--to be considered at August
(Subject) Meeting

OFFERED BY: Mickey Nelson

SECONDED BY: Personnel Resources Committee

EXPLANATION: [See attached Resolution #30--Explanation]
(Language within the motion)

DISCUSSION: Repeal of Section 25-236, R.C.M. 1947, regarding
(Abstract of Board members' views, questions, observations)
Coroners' fees and amendment to Section 25-202, R.C.M. 1947,
regarding Coroners being limited to remuneration on a fee basis
only, rather than on a salary basis. Photostatic copies of the
two above-mentioned statutes are to be sent to each Board
member prior to the August meeting. The committee agreed to
submit this resolution at the next meeting.

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: None
(If requested by dissenting members)

Resolution #30

EXPLANATION

Resolved that the Montana Board of Forensic Science at its August meeting, consider the following statutory amendments:

1. Section 25-202, R.C.M. 1947: strike the word "coroner" throughout.
2. Section 25-236, R.C.M. 1947 is repealed. New Section 25-236, R.C.M. 1947, reads as follows:

"25-236. Salary or Compensation of Coroner.
The coroner is entitled to receive and collect for his or her own use, salary or compensation which shall be established prior to July 1 of each year by the Board of County Commissioners. Such salary or compensation shall be in effect upon the first day of each ensuing fiscal year."

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 8/16/78

NO. -31-

TITLE Rescission of Nelson's Resolutions: Deferral
(Subject)

OFFERED BY: Bob Griffith

SECONDED BY: Fritz Behr

EXPLANATION: Resolved that the Board defer consideration of
(Language within the motion)
the draft resolutions embodied in Resolutions #29 and #30
until the September meeting.

DISCUSSION: Mr. Nelson and Chairman Pfaff unable to attend
(Abstract of Board members' views, questions, observations)
meeting and request by Mr. Nelson to defer.

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: None
(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 8/16/78

NO. -32-

TITLE Disposing of Resolution #21--Primary Purpose of Lab
(Subject)

OFFERED BY: Don White

SECONDED BY: John Newman

EXPLANATION: [See attached Resolution #32--Explanation]
(Language within the motion)

DISCUSSION: Following the initial presentation of Resolution
(Abstract of Board members' views, questions, observations)
#21 at the previous meeting, the Board expressed its wish to
stipulate the lab may not accept referrals of scientific
investigations from sources other than law enforcement officials
except upon order by a court.

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: None
(If requested by dissenting members)

Resolution #32:
EXPLANATION

Resolved that H.B. 461, Montana Forensic Science System Act,
be amended as follows:

Page 6, Lines 1-5, amended to read:

"The laboratory's primary purpose is to perform analysis of specimens of evidence in criminal cases submitted by all Montana state, county or city law enforcement officials and state agencies and to provide expert testimony concerning such analysis. The laboratory may also accept referrals and specimens of evidence in criminal cases from other jurisdictions involved in law enforcement. The laboratory shall also accept specimens by order of any District Court in the State of Montana.

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 8/16/78

NO. -33-

TITLE Development of Legal Definitions
(Subject)

OFFERED BY: Dale Dye

SECONDED BY: Don White

EXPLANATION: Resolved that the staff of the Board of Forensic
(Language within the motion)
Science develop definitions of terms contained in the Montana
Forensic Science System Act

DISCUSSION: Terms such as "body" (i.e., deceased human
(Abstract of Board members' views, questions, observations)
body) need to be clarified.

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: None
(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 9/27/78

NO. -34-

TITLE Architect Contract: Supplementation
(Subject)

OFFERED BY: Fritz Behr

SECONDED BY: John Newman

EXPLANATION: Resolved that the contracts by and between Crossman,
(Language within the motion)

Whitney and Griffin Architects and the Montana Board of Forensic
Science be amended to include the inspection, evaluation and
recommendation regarding a fourth proposed site for the
Division of Forensic Science. The site is located at the old
Columbus hospital, Great Falls, Montana.

DISCUSSION: Two areas within the Columbus hospital were
(Abstract of Board members' views, questions, observations)
proposed as possible locations for the laboratory - the hospital
lab and the laundry facility. The latter of these areas was
seen as being the most favorable. Inclusion of the fourth
proposed site would not carry the consultant's fee over the
\$5,000.00 agreed upon in the contract.

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: None
(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 9/27/78

NO. -35-

TITLE Amend Resolution #29: Qualifications and Training for
(Subject) Coroners: To be considered at August Meeting.

OFFERED BY: Bob Harvie

SECONDED BY: Wally Schumacher

EXPLANATION: [See attached Resolution #34--Explanation]
(Language within the motion)

DISCUSSION: The Board's concern in amending Resolution #29
(Abstract of Board members' views, questions, observations)
was to stress the importance and efficacy of utilizing the
Montana Law Enforcement Academy Bureau in providing training
for individuals associated with the Forensic Science System.
As amended, Resolution #29 still reflects the Medical Examiner's
responsibility in establishing on-going educational training
program for AME's, coroners, and law enforcement officers.

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: None
(If requested by dissenting members)

Resolution No. 35
Explanation

Resolved that Resolution # 29 be amended as follows:

Paragraph 1, section 2, lines 1 and 2, amended to read:

2. " That the Medical Examiner,
in cooperation with the Montana Law
Enforcement Academy, shall establish..."

Paragraph 3, lines 1 and 2, amended to read:

"Be it further resolved that the
Medical Examiner, in cooperation with
the Montana Law Enforcement Academy,
shall establish..."

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 9/27/78

NO. -36-

TITLE Adoption of Resolution #29 as Amended
(Subject)

OFFERED BY: Mickey Nelson

SECONDED BY: Personnel Resource Committee

EXPLANATION: Resolved that the Board adopt Resolution #29
(Language within the motion)
as amended.

DISCUSSION: _____
(Abstract of Board members' views, questions, observations)

DISPOSITION: Rejected
(Adopted, Rejected, Tabled)

DISSENTING VOTES: John Pfaff, Wally Schumacher, Bob Griffith,
(If requested by dissenting members)
Robert Harvie, Gene Kiser, John Newman, Ray Lynch, Bob
Chesterfield, Bill Brinkel. Fritz Behr abstaining.

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 9/27/78

NO. -37-

TITLE Referral of Resolution #29
(Subject)

OFFERED BY: Bill Brinkel

SECONDED BY: Bob Griffith

EXPLANATION: Resolved that Resolution #29 be referred back
(Language within the motion)
to the Personnel Committee for further study.

DISCUSSION: _____
(Abstract of Board members' views, questions, observations)

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: None
(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 9/27/78

NO. -38-

TITLE Adoption of Resolution #30: Compensation for Coroners:
(Subject) To be considered at August meeting.

OFFERED BY: Mickey Nelson

SECONDED BY: Personnel Resource Committee

EXPLANATION: Resolved that the Board adopt Resolution #30
(Language within the motion)
as submitted.

DISCUSSION: Mickey Nelson explained that coroner compensation
(Abstract of Board members' views, questions, observations)
should be established prior to the primary elections to enable
coroner candidates to assess whether it would be financially
worth their efforts to run for office. In addition, by having
the county commissioners establish coroner compensation prior
to the primaries, commissioners could not discriminate against
coroner candidates when establishing funding for the coroner's
office, eg., they could not raise or lower remuneration
levels because of their party affiliation vis-a-vis the
prospective coroner's.

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: None
(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 9/27/78

NO. -39-

TITLE Amendments to H.B. 461
(Subject)

OFFERED BY: John Newman

SECONDED BY: Bob Griffith

EXPLANATION: Resolved that the Board seek funding for H.B.
(Language within the motion)
461, recommending no amendments to the legislature.

DISCUSSION: In view of recent objections to the Board's
(Abstract of Board members' views, questions, observations)
amending H.B. 461, it was decided the Board should focus its
efforts on funding and rule promulgation for the Division of
Forensic Science. The Board's energies would no longer be
directed towards the amending of H.B. 461.

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: None
(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 9/27/78

NO. -40-

TITLE Drafting General Rules & Regulations for the Forensic
(Subject) Science System

OFFERED BY: Bob Harvie

SECONDED BY: Bill Brinkel

EXPLANATION: Resolved that the Board provide for drafting
(Language within the motion)
of Rules and Regulations for the Division of Forensic Science
with the assistance of the Attorney General.

DISCUSSION: Prior to the forthcoming legislative session
(Abstract of Board members' views, questions, observations)
(Jan. 1979), the Board is to publish the results of its
deliberations. The individual contracted will assist in its
publication through the drafting of rules and regulations for
operation of the Forensic Science Division.

DISPOSITION: Adopted as amended
(Adopted, Rejected, Tabled)

DISSENTING VOTES: None
(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 9/27/78

NO. -41-

TITLE Amendment to Resolution #40
(Subject)

OFFERED BY: Fritz Behr

SECONDED BY: Bill Brinkel

EXPLANATION: Resolved that the Board amend Resolution #40 to
(Language within the motion)
include contracted services designed to assist in the publi-
cation of the Board's report.

DISCUSSION: The publication the Board is responsible for
(Abstract of Board members' views, questions, observations)
is entitled, The Report of the Montana Board of Forensic
Science: 1978. The individual contracted will assist in
the Report's publication.

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: None
(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 9/27/78

NO. -42-

TITLE Money allocated for the cost of the Board's Report
(Subject)

OFFERED BY: John Newman

SECONDED BY: Gene Kiser

EXPLANATION: Resolved that the Board allocate \$1500.00
(Language within the motion)
for the cost of materials and printing associated with the
publication of the Board's Report.

DISCUSSION: Discussion clarified that the \$1500.00 would
(Abstract of Board members' views, questions, observations)
not include personnel costs associated with the Report's
publication.

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: None
(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 9/27/78

NO. -43-

TITLE October 25, 1978 meeting of the Board of Forensic
(Subject) Science to be held in Bozeman, Montana

OFFERED BY: Fritz Behr

SECONDED BY: Bill Brinkel

EXPLANATION: Resolved that the Board hold their October
(Language within the motion)
meeting in Bozeman.

DISCUSSION: During the Board's September meeting they
(Abstract of Board members' views, questions, observations)
were apprised of MSU's interest in having the Division of
Forensic Science located on or near the MSU campus. The
Division, by locating in Bozeman, would have free access to
autopsy facilities. In view of this offer the Board felt it
in their best interest to view the MSU facilities. In
addition, the Board would be able to visit the Law Enforce-
ment Academy site.

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: None
(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 9/27/78

NO. -44-

TITLE December Meeting of the Forensic Science Board
(Subject)

OFFERED BY: Bill Brinkel

SECONDED BY: Gene Kiser

EXPLANATION: Resolved that the Board hold their December
(Language within the motion)
meeting on the 13th as opposed to the 27th.

DISCUSSION: For convenience purposes the Board decided to
(Abstract of Board members' views, questions, observations)
hold their December meeting early to avoid the holiday week.

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: None
(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 10/25/78

NO. -45-

TITLE Physical Resources Committee: Recommendation for
(Subject) Locating the Division of Forensic Science

OFFERED BY: Fritz O. Behr

SECONDED BY: Physical Resources Committee

EXPLANATION: Resolved that the Board follow the recommendation
(Language within the motion)
of the Physical Resources Committee to locate the Division of

Forensic Science at Bozeman within a newly constructed building.
The committee's alternative, should the first meet with Legis-
lative disapproval, is to locate the Division at Great Falls
within the laundry facility of the Old Columbus Hospital.

DISCUSSION:

(Abstract of Board members' views, questions, observations)
The Board's agenda for the November meeting includes discussion
on appropriate means for achieving the objectives of this reso-
lution. Focus will be on obtaining a long-term lease with
Gallatin County as well as seeking authority to issue bonds
for building the structure under the Capital Construction
Program.

DISPOSITION: Adopted

(Adopted, Rejected, Tabled)

DISSENTING VOTES: None

(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 11/29/78 NO. -46-

TITLE Reinstate former Section 15 of House Bill 461
(Subject)

OFFERED BY: Don White

SECONDED BY: Basic Operations and Planning Committee

EXPLANATION: [See attached Resolution #46--Explanation]
(Language within the motion)

DISCUSSION: The Board found it necessary to identify those
(Abstract of Board members' views, questions, observations)
circumstances under which death investigations are necessary
and to provide procedures for such an event. The Board also
found that without this amendment it would lack full authority
to promulgate regulations by which to determine whether
suspicious deaths had occurred.

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: Dale Dye
(If requested by dissenting members)

Explanation

Resolved, that the following language be inserted by amendment to the Montana Codes:

Section 15. Procedures upon suspicious deaths. (1) Before a body is embalmed, cremated or dissected, the coroner shall upon his own determination or upon request of the attorney general or a county attorney, make or have performed an investigation whenever death occurs or a body is found in his county and the death occurred under any of the following circumstances:

- (a) criminal violence;
- (b) by accident;
- (c) suddenly, when in apparent good health;
- (d) by suicide;
- (e) when unattended by a practicing physician;
- (f) in any prison or penal institution;
- (g) when in custody or any law enforcement agency;
- (h) in any suspicious or unusual circumstances;
- (i) by criminal abortion;
- (j) by poison;
- (k) by disease constituting a threat to the public health;
- (l) by disease, injury, or toxic agent resulting from employment;
- (m) when a corpse is brought into the state without proper medical certification.

(2) After his initial examination and investigation the coroner shall immediately prepare a written report of his findings and shall provide copies to the investigating law enforcement agency, the county attorney and the state medical examiner.

(3) The state medical examiner has authority in any death under circumstances enumerated above to perform or have performed an autopsy or any other laboratory examination he considers necessary or in the public interest.

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 11/29/78

NO. -47-

TITLE Rules and Regulations for the Division of Forensic
(Subject) Science (To include third-party privacy rules)

OFFERED BY: Don White

SECONDED BY: Basic Operations and Planning Committee

EXPLANATION: See Chapter IV of this Report
(Language within the motion)

DISCUSSION: The Board determined to adopt rules and
(Abstract of Board members' views, questions, observations)
regulations for the function of the Division of Forensic
Science to fulfill one of its responsibilities mandated by
the Legislature.

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: Dale Dye
(If requested by dissenting members)

MONTANA BOARD OF FORENSIC SCIENCE

R E S O L U T I O N

DATE: 11/29/78

NO. -48-

TITLE Division of Forensic Science Budget
(Subject)

OFFERED BY: Bob Griffith

SECONDED BY: John Newman

EXPLANATION: [See attached Resolution #48--Explanation]
(Language within the motion)

DISCUSSION: The budget for the Division of Forensic Science
(Abstract of Board members' views, questions, observations)
was thoroughly explained by the Board's staff and each category
was detailed orally.

DISPOSITION: Adopted
(Adopted, Rejected, Tabled)

DISSENTING VOTES: None
(If requested by dissenting members)

RESOLUTION #48

Explanation

Resolved to approve the projected budget for fiscal year 1980 and 1981 as set forth below.

	<u>FY '80</u>	<u>FY '81</u>
Present Criminal Investigation Lab	\$150,000	\$150,000
Debt Service (\$500,000 bond issue)	50,000	50,000
Rent	980	9,765
Personnel	104,063	156,938
Contracted Services:		
Bonds	560	594
Printing	2,400	2,400
Supplies	2,400	2,544
Communications	10,890	10,372
Travel	20,013	18,924
Other (transportation & relocation, etc.)	23,000	0
Repairs	100	100
Capital Outlay (desks, furniture, etc.)	5,100	0
 TOTAL DIVISION OF FORENSIC SCIENCE	 <u>\$369,506</u>	 <u>\$401,637</u>
BUDGET		



CHAPTER IV

RECOMMENDATIONS OF

THE BOARD



INTRODUCTION

The Forensic Science System Act (House Bill 461) mandates the Board of Forensic Science to establish an Office of Forensic Pathology and a Laboratory of Criminalistics within a Division of Forensic Science (Department of Justice). Further, the Board is to formulate policies, procedures, and regulations for the functioning of the Division. The following chapter outlines the Board's recommendations for achieving those objectives.

An important aspect of Chapter Four is a funding proposal for the Division of Forensic Science. Included is a proposed forensic budget for Fiscal Year 1980 and Fiscal Year 1981. Without adequate funding the intentions of the Legislature in enacting House Bill 461 will not be met.

PROPOSED RULES AND REGULATIONS

DIVISION OF FORENSIC SCIENCE

The following regulations are promulgated by the Montana Board of Forensic Science to establish policy and set forth necessary procedures for the functioning of the division of forensic science. These rules are adopted under authority of sections 82-433 and 82-434, R.C.M. 1947.

1. Throughout, the terms "deceased human body", "corpse" and "body" are interchangeable. A "physician" is a licensed doctor of medicine, licensed in the state in which the death occurs.
2. The following rules apply before a body may be embalmed, cremated or dissected and when a death occurs or a body is found in any of the following circumstances:
 - (a) criminal violence;
 - (b) by accident;
 - (c) suddenly, when in apparent good health;
 - (d) by suicide;
 - (e) when unattended by a practicing physician;
 - (f) in any prison or penal institution;
 - (g) when in custody of any law enforcement agency;
 - (h) in any suspicious or unusual circumstances;
 - (i) by criminal abortion;
 - (j) by poison;
 - (k) by disease constituting a threat to the public health;
 - (l) by disease, injury, or toxic agent resulting from employment;
 - (m) when a corpse is brought into the state without proper medical certification.
3. "Unattended by a practicing physician:" Attendance is not meant to imply physical presence at the time of death, but refers to medical knowledge concerning the deceased which, in consideration of the circumstances of death, enables the physician to certify the death as due to natural disease.
4. Report of an investigation, autopsy or related test shall only be released to persons entitled to receive it by statute or in those cases where the Right to Know overcomes the Right of Privacy, as defined in the Montana Constitution.

5. Public access to the results of a report not covered by statute shall be left to the discretion of the public official who produced the report, following consultation with the State Medical Examiner.
6. Qualifications of the State Medical Examiner - A forensic pathologist qualified or certified by the American Board of Pathology, licensed to practice medicine in the State of Montana.
7. The Medical Examiner shall be appointed by the Montana Board of Forensic Science or by the Attorney General following termination of said Board.
8. The Medical Examiner shall be the Administrator of the Division of Forensic Science, Department of Justice.
9. The Medical Examiner shall appoint the Director of the Montana Laboratory of Criminalistics.
10. The Medical Examiner and Laboratory Director may be removed from office only for neglect of duty, incompetency or other good cause, and only after a full hearing pursuant to the Administrative Procedures Act.
11. The Medical Examiner shall appoint Associate Medical Examiners to serve in designated regions.
12. The Medical Examiner shall, in appointing an Associate Medical Examiner, solicit and accept nominations from the associations representing Coroners, County Attorneys, law enforcement officers and physicians in the Associate Medical Examiner region, and shall make the appropriate appointment from among the nominations.
13. The Medical Examiner shall provide assistance and consultation to each Associate Medical Examiner, Coroner and law enforcement agency.
14. The Medical Examiner shall establish Associate Medical Examiner regions at his discretion.
15. The Medical Examiner may appoint an Administrative Assistant.
16. The Medical Examiner shall negotiate per-case compensation for each Associate Medical Examiner after consultation with the County Commissioners and coroners in the region to be served by an Associate Medical Examiner.

17. Each Associate Medical Examiner serves at the pleasure of the State Medical Examiner.
18. The Medical Examiner shall maintain a forensic science training program for Associate Medical Examiners, Coroners and law enforcement agencies.
 - a. Training whenever possible, shall be made available through and in cooperation with the Montana Law Enforcement Academy Bureau.
 - b. Training when necessary, may be provided in local areas.
19. The Medical Examiner shall stimulate and direct research in the field of forensic pathology.
20. The Medical Examiner may adopt uniform guidelines and forms for the operation of the forensic science system.
21. The Medical Examiner may perform or request the performance of an autopsy or any other laboratory examination when sufficient cause exists to believe such examination is in the public interest.
22. The Medical Examiner may retain necessary specimens and evidence.
23. The Medical Examiner shall issue to the County Attorney a written report, specifying the cause of death, and shall furnish copies to the Coroner and investigating law enforcement agency.
24. The Medical Examiner shall assist with identification of unidentified bodies, upon request of a local law enforcement agency or coroner.
25. The Medical Examiner shall provide court testimony when necessary.
26. The Medical Examiner shall maintain copies of records and detailed findings of autopsy and laboratory investigations.
27. The Laboratory Director shall be appointed by and be responsible to the Medical Examiner and his qualifications shall be determined by the Medical Examiner with approval of the Attorney General.
28. The Laboratory Director shall be chief of the Laboratory of Criminalistics Bureau within the Division of Forensic Science.

29. The Laboratory Director shall hire laboratory personnel.
30. The Laboratory Director shall render decisions as to the disposition of specimens submitted to the laboratory.
31. The Laboratory Director shall perform all other duties assigned by the Medical Examiner.
32. The Laboratory Director shall assist with training offered by the Division.
33. The Laboratory Director shall employ both internal and external means of evaluating the laboratory's professional performance and shall report the results of these evaluations as required by the Medical Examiner.
34. The Laboratory Director shall supervise analysis of specimens and evidence submitted by all state, county and city law enforcement agencies, coroners, and by all state agencies, without charge.
35. The Laboratory Director shall provide court testimony when required.
36. The Laboratory Director shall determine which specimens to accept from other states, dependent upon the current work load and capability of the laboratory.
37. The Laboratory Director may charge reasonable fees for analyses of specimens and evidence accepted from out-of-state. The fees shall be determined by the Laboratory Director, with the approval of the Medical Examiner, and may include any additional expenses relating to testimony regarding such analyses.
38. The Laboratory Director shall not accept specimens or evidence for analysis from a defendant in any criminal action without court order.
39. The Laboratory Director shall determine reasonable fees to be charged for analyses rendered to defendants in criminal actions with the approval of the Medical Examiner, including any additional expenses relating to testimony regarding such analyses.
40. Each Associate Medical Examiner shall be appointed by the Medical Examiner to serve at his or her pleasure in regions to be established by the Medical Examiner.
41. Each Associate Medical Examiner must be a doctor of medicine licensed to practice in Montana.

42. The Associate Medical Examiner may continue in private practice during appointment.
43. The Associate Medical Examiner shall charge to each county the fee for services performed at its request plus actual expenses.
44. The Associate Medical Examiner shall charge to the state the fee for services performed at its request plus actual expenses.
45. The Associate Medical Examiner shall cooperate and consult with Coroners, County Attorneys and law enforcement agencies in death investigations, and shall report all findings to the Coroner, the investigating law enforcement agency, the County Attorney and the Medical Examiner, using forms provided by the Division of Forensic Science.
46. Each Coroner may appoint, with the approval of the County Commissioners, one or more deputy coroners to assist him or to act in his absence. The deputy coroner may be a Coroner from another county.
47. Each Coroner is urged to participate in forensic science training offered by the Division, at the Montana Law Enforcement Academy Bureau or at local sites.
48. The Coroner shall notify the Medical Examiner and appropriate law enforcement agencies in every case of suspicious death.
49. The Coroner shall relinquish any property found with or upon the person of the deceased, which is not considered evidence, to the appropriate Public Administrator.
50. The Coroner shall order an autopsy whenever he determines this to be necessary.
51. A Coroner shall not be required to pay a fee for the services of the Laboratory of Criminalistics when rendered to him in his official capacity.
52. The Coroner shall, in cooperation with the Public Administrator, when applicable, cause the body of a deceased person which has been in custody for purposes of examination, to be decently interred, when the body remains unclaimed and when the death of that person occurred within the boundaries of the county served by the Coroner.

53. The expense of interment, when there is insufficient property in the estate of the decedent to pay for such, shall be charged against the county within which the death occurred.
54. A Coroner shall report every investigation, using the appropriate printed form furnished by the Division of Forensic Science, to the State Medical Examiner with copies to the law enforcement agency having jurisdiction, the County Attorney and any Associate Medical Examiner involved in the investigation.

DEPARTMENT OF JUSTICE FUNDING PROPOSAL

In view of restrictions on general fund appropriations, the Department of Justice has developed a proposal to meet the budgetary needs of existing and future Department programs while reducing dependency on the general fund. The existing programs under consideration are the Montana Law Enforcement Academy Bureau (MLEAB) and the Montana Law Enforcement Telecommunications System Bureau (LETS), both of which are absolutely essential to an effective criminal justice system. The proposal also provides minimum funding for the Division of Forensic Science (DFS).

The Department proposes to adjust certain motor vehicle user fees and charges which contribute to the motor vehicle fund. Surplus revenue generated through this adjustment will support MLEAB, LETS, and the Division of Forensic Science, reducing substantially the Department's need for tax revenue. This proposal will in no way affect state or local government programs which presently rely on the motor vehicle fund.

BILL NO. _____

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE FEE SCHEDULE FOR TRANSACTIONS RELATING TO THE REGISTRATION AND LICENSURE OF MOTOR VEHICLES BY INCREASING THE FEES FOR REGISTRATION, NEW TITLES, DUPLICATE TITLES AND DUPLICATE NUMBER PLATES; PROVIDING A LICENSE PLATE FEES; AND CLARIFYING THE METHOD OF DISPOSITION OF THE FEES; AMENDING SECTIONS 61-3-203, 61-3-204, 61-3-321, 61-3-333 and 7-14-2511.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-3-203 is amended to read as follows:

61-3-203. Fee for original certificate of ownership and transfer of title-disposition. A charge of ~~\$3~~ \$5 shall be made for issuance of an original certificate of ownership of title and for a transfer of registration which shall be collected by the county treasurer. The fees shall be distributed as follows:

(a) ~~Two dollars (\$2.00)~~ \$4 of each fee shall be remitted to the division by the county treasurer with each

application for original certificate of ownership or transfer of registration.

(b) Prior to March 1, 1966 and each March thereafter, the county commissioners of each county shall divide the fees retained by the county to:

(1) the city road fund of each city and town within the county based on the number of motor vehicles registered inside the corporate limits of each city or town; and

(2) the county road fund based on the number of motor vehicles registered outside the corporate limits of cities and towns.

Section 2. Section 61-3-204 is amended to read as follows:

61-3-204. Lost certificates. In the event any certificate of ownership ~~shall be~~ is lost, mutilated, or ~~become~~ becomes illegible, ~~the person to whom the same shall have been issued~~ the owner shall immediately make application for and ~~may~~ obtain a duplicate thereof from the division, upon furnishing satisfactory ~~information to the division~~ evidence of such facts and upon payment of a fee of \$2 \$5. Revenue from this fee shall be forwarded to the State Treasurer for deposit in the Motor Vehicle Recording Account of the Earmarked Revenue Fund.

Section 3. Section 61-3-321 is amended to read as follows:

61-3-321. Registration and License fees of vehicles-public owned vehicles exempt from license or registration fees - ~~disposition of fees~~. (1) License Fees. ~~Registration or license~~ License fees shall be paid upon registration or re-registration of motor vehicles, trailers, housetrailers, and semitrailers in accordance with this chapter, as follows:

(a) motor vehicles weighing 2,850 pounds or under, other than motortrucks, \$5;

(b) motor vehicles weighing over 2,850 pounds, other than motortrucks, \$10;

(c) electrically driven passenger vehicles, \$10;

(d) all motorcycles, \$2;

(e) tractors and/or trucks, \$10;

(f) buses shall be classed as motortrucks and licensed accordingly;

(g) trailers and semitrailers less than 2,500 pounds maximum gross loaded weight and housetrailers of all weights, \$2;

(h) trailers and semitrailers over 2,500 up to 6,000 pounds maximum gross loaded weight, except housetrailers, \$5;

(i) trailers and semitrailers over 6,000 pounds maximum gross loaded weight, \$10;

(j) trailers used exclusively in the transportation of logs in the forest or in the transportation of oil and gas

well machinery, road machinery, and bridge material exclusively, new and secondhand, and trailers used exclusively for the transportation of road machinery and bridge materials, shall pay a fee of \$15 annually, regardless of size or capacity;

(k) bicycles with motor attachment, \$1.

(2) All rates shall be 25% higher for motor vehicles, trailers, and semitrailers when not equipped with pneumatic tires.

(3) Tractors, as specified in this section, shall mean any motor vehicle except passenger cars used for towing a trailer or semitrailer.

(4) If any motor vehicle, housetrailer, trailer, or semitrailer is originally registered 6 months after the time of registration as set by law, the ~~registration or~~ license fee for the remainder of each year shall be one-half of the regular fee above given.

(5) Registration Fee. When a new plate is issued, an An additional fee of ~~\$1~~ \$3 per year for each registraton of a vehicle shall be ~~added to the~~ collected as a registration fee. Revenue from this fee shall be forwarded by the respective county treasurers to the state treasurer for deposit in the motor vehicle recording account of the earmarked revenue fund. ~~Disbursements from the motor vehicle recording account shall be made by warrant drawn by the division.~~

(6) The provisions of this part with respect to the payment of ~~registration~~ fees shall not apply to or be binding upon motor vehicles, trailers or semitrailers, or tractors owned or controlled by the United States of America or any state, county, or city, but in all other respects the provisions of this ~~section~~ part shall be applicable to and binding upon motor vehicles, tractors, trailers, and semi-trailers.

(7) The provisions of this section relating to the payment of ~~registration~~ license fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317(1), 61-3-332(7), and 61-3-335.

(8) All fees, other than license fees, unless otherwise specifically provided, shall hereafter be deposited in, and paid into, the earmarked revenue fund and shall be used to pay all salaries, operating expenses, and all other expenses of the division, including the manufacture and delivery of license plates. Any reference in this code to the motor vehicle recording fund or the motor vehicle administration fund shall be taken to mean vehicle recording account in the earmarked revenue fund.

Section 4. Section 61-3-333 is amended to read as follows:

61-3-333. Plate Fee and Replacing number plates.

(1) Where a new number plate is issued upon registration or reregistration of a vehicle, an additional fee of \$5 shall be collected.

(2) In the event of loss, mutilation, or destruction of number plates and/or validation devices, the owner of the registered motor vehicle may obtain duplicates thereof, from the division ~~7~~ duplicates thereof upon filing a sworn declaration showing such fact and payment of a plate fee of \$2 \$5. ~~In the event of loss, mutilation, or destruction of pioneer plates, duplicates may be obtained in the same manner upon payment of a fee of \$5.~~

(3) Revenue from plate fees shall be forwarded to the state treasurer for deposit in the motor vehicle recording account of the earmarked revenue fund.

Section 5. Disposition of fees-earmarked revenue account.

(1) Except as specifically provided elsewhere, fees collected pursuant to the registration and licensure of motor vehicles shall be forwarded to the state treasurer and deposited in the Division of Motor Vehicles motor vehicle recording account of the earmarked revenue fund.

(2) Funds deposited from all sources in the motor vehicle recording account of the earmarked revenue fund may be expended for the following purposes:

(a) to pay the salaries and operating expenses of the division, including the manufacture and delivery of license plates;

(b) to fund the forensic science division of the department of justice;

(c) to fund the Montana law enforcement academy bureau;

(d) to fund the law enforcement teletype system bureau of the department of justice.

(3) Disbursements from the motor vehicle recording account shall be made by warrant drawn by the division.

Section 6. Section 7-14-2511 is amended to read as follows:

7-14-2511. County motor vehicle fund. All license and ~~registration~~ fees collected by the treasurer of the county in which any motor vehicle is registered shall be credited to the county motor vehicle fund.

PROPOSED BUDGET: FORENSIC SCIENCE DIVISION

The Legislature has directed the Board of Forensic Science to establish an Office of Forensic Pathology and a Laboratory of Criminalistics within the Division of Forensic Science. Presently, Montana has a functional Criminal Investigation Laboratory in Missoula within the Division of Law Enforcement Services, Department of Justice. It is the intention of the Board to transfer the laboratory and its budget into the Division of Forensic Science, Department of Justice.

The budget proposals for Fiscal Year 1980 and Fiscal Year 1981 include the existing crime lab budget. Total program costs for the Division of Forensic Science reflect the projected needs of new forensic programs and the established needs of the crime lab. Total funding, therefore, is a combination of earmarked motor vehicle funds for the new forensic programs and the existing crime lab budget. For fiscal year 1980 and beyond, this total will be derived solely from earmarked revenues within the motor vehicle fund.

AGENCY Department of Justice

PROGRAM Forensic Science Division

Expend. Category	FULL TIME EQUIVALENT EMPLOYEES	REQUESTED 1980 FISCAL YEAR	REQUESTED 1981 FISCAL YEAR
1100	Salaries	2.5	5.0
1200	Hourly Wages	92,500	139,500
1300	Other Compensation		
1400	Employee Benefits	11,563	17,438
	TOTAL PERSONAL SERVICES	104,063	156,938
2100	Contracted Services	2,960	2,994
2200	Supplies and Materials	2,400	2,544
2300	Communications and Transportation	10,890	10,372
2400	Travel	20,013	18,924
2500	Rent	980	9,765
2600	Utilities		
2700	Repair & Maintenance	100	100
2800	Other Expenses	23,000	
2900	Goods Purchased for Resale		
	TOTAL OPERATING EXPENSES	60,343	44,699
3100	Equipment	5,100	-0-
	TOTAL EQUIPMENT	5,100	-0-

Expend. Category	FULL TIME EQUIVALENT EMPLOYEES	REQUESTED 1980 FISCAL YEAR	REQUESTED 1981 FISCAL YEAR
	Operating Costs	169,506	201,637
	Operating Costs (Crime Lab)	150,000	150,000
	TOTAL OPERATING COSTS FOR DIVISION OF FORENSIC SCIENCE	319,506	351,637
4000	Debt Service	50,000	50,000
	TOTAL PROGRAM COSTS	369,506	401,637
	SUMMARY - Accounting Entity		
	New Forensic Science Program	219,506	251,637
	Existing Crime Lab Budget	150,000	150,000
27	TOTAL FUNDING (Earmarked Revenues: Motor Vehicle Fund)	369,506	401,637

AGENCY Department of Justice

PROGRAM Forensic Science Division

POSITION JUSTIFICATION

REQUESTED
1980 BIENNIUM

FY 1981

FY 1980

CLASSIFICATION NAME

FTE

FTE

Medical Examiner

63,000

1.0

Administrative Assistant

15,750

1.0

Lab Director

36,750

1.0

Fire Arms & Toolmark Examiner

15,000

1.0

Secretary

9,000

1.0

92,500

2.5

5.0

139,500

AGENCY Department of Justice

PROGRAM Forensic Science Division

Justify Current Level Service Expenditures

FY 80 Printing \$200 a month x 12 = \$2,400
FY 81 Printing \$200 a month x 12 = \$2,400

Expenditure Category Name Contracted Services

Expenditure - Category Detail	1980 Requested	1981 Requested
Insurance and bonds	560	594
Printing	2,400	2,400
TOTAL	2,960	2,994

AGENCY Department of Justice

PROGRAM Forensic Science Division

Justify Current Level Service Expenditures

\$200 @ 12 months - \$2,400

EXPENDITURE CATEGORY NAME Supplies and Materials

Expenditure - Category Detail	1980 Requested	1981 Requested
Office Equipment	2,400	2,544
TOTAL	2,400	2,544

AGENCY Department of Justice

PROGRAM Forensic Science Division

Justify Current Level Service Expenditures

Local Service \$35 for 12 months
Long Distance \$600 for 12 months
Postage \$100 for 12 months
Telephone STS, advertising FY 80 one time charges - 2 lines at \$60 plus extension 20
FY 80 Relocate LEA \$260 and Lab \$260

EXPENDITURE CATEGORY NAME Communications and Transportation

Expenditure - Category Detail	1980 Requested	1981 Requested
Local Service	420	445
Long Distance	7,200	7,632
Postage	1,200	1,272
Telephone STS	210	223
Advertising	1,200	800
One time charges	660	
TOTAL	10,890	10,372

AGENCY Department of Justice

PROGRAM Forensic Science Division

Justify Current Level Service Expenditures

Medical Examiner:

2401 - 48 trips at ave of 400 miles at .17 = \$3,264
 2402 - 18 trips at \$100 = \$1,800
 2407 - 88 days at \$10 = \$880
 2408 - 44 nights at \$18.00 = \$792
 2412 - 6 trips at \$300 = \$1,800
 2417 - 4 days x 6 trips x \$13 = \$312
 2418 - 3 nights x \$37 x 6 trips = \$666

Fire Arms & Toolmarks Examiner:

2401 - 24 trips at ave 400 miles at .17 = \$1,632
 2402 - 4 trips at \$100 = \$400
 2407 - 44 days at \$10 = \$440
 2408 - 20 nights at \$18 = \$360
 2412 - 1 trip at \$300 = \$300
 2417 - 4 days at \$13 = \$52
 2418 - 3 nights at \$37 = \$111

Interviews:

2499 - 3 applicants at \$300 airfare = \$900
 lodging and meals = \$189

Lab Director:

2401 - 12 trips at ave of 400 miles at .17 = \$816
 2402 - 9 trips at \$100 = \$900
 2407 - 28 days at \$10 = \$280
 2408 - 14 nights at \$18 = \$252
 2412 - 6 trips at \$300 = \$1,800
 2417 - 4 days x 6 trips x \$13 = \$312
 2418 - 3 nights x \$37 x 6 trips = \$666
 2499 - interviews, lab director = \$1,089

EXPENDITURE CATEGORY Travel

Expenditure-Category Detail	1980 Requested	1981 Requested
In-state, personal mileage	5,712	5,712
In-state, commercial	3,100	3,100
In-state, meals	1,600	1,600
In-state, lodging	1,404	1,404
Out-of-state, commercial	3,900	3,900
Out-of-state, meals	676	676
Out-of-state, lodging	1,443	1,443
Out-of-state, interview travel	2,178	1,089
TOTAL	20,013	18,924

AGENCY Department of Justice

PROGRAM Forensic Science Division

Justify Current Level Service Expenditures

FY 80 - 370 Sq Ft x \$2.39 = \$980

FY 81 - 5000 Sq Ft, Dept. of Admn. rent at \$2.45 = \$12,250
(2,485) CI Lab rent
\$9,765

EXPENDITURE CATEGORY NAME Rent

Expenditure - Category Detail	1980 Requested	1981 Requested
Building	980	9,765
TOTAL	980	9,765

AGENCY Department of Justice

PROGRAM Forensic Science Division

Justify Current Level Service Expenditures

EXPENDITURE CATEGORY NAME Repairs and Maintenance

Expenditure-Category Detail	1980 Requested	1981 Requested
General	100	100
TOTAL	100	100

AGENCY Department of Justice
 PROGRAM Forensic Science Division

Justify Current Level Service Expenditures

Relocation Medical Examiner, Lab Director, Firearms Examiner, 3 at \$3,000 = \$9,000
 Relocate 9 personnel, lab in Missoula, at \$1,000 = \$9,000
 Relocate Lab from Missoula to Bozeman = \$5,000

EXPENDITURE CATEGORY NAME Other Expenses

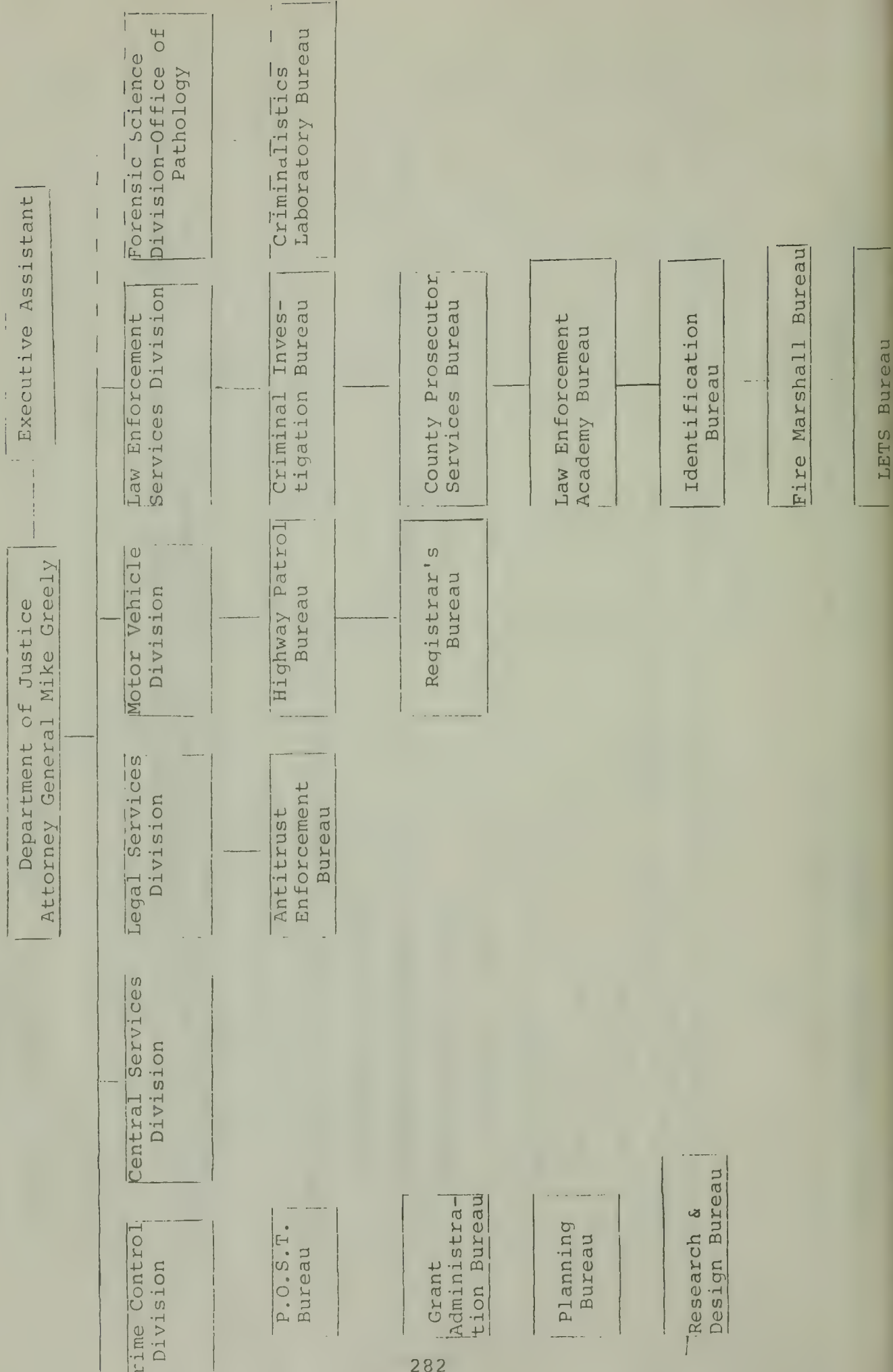
Expenditure-Category Detail	1980 Requested	1981 Requested
Relocation	23,000	-0-
TOTAL	23,000	-0-

AGENCY Department of Justice
PROGRAM Forensic Science Division

EQUIPMENT

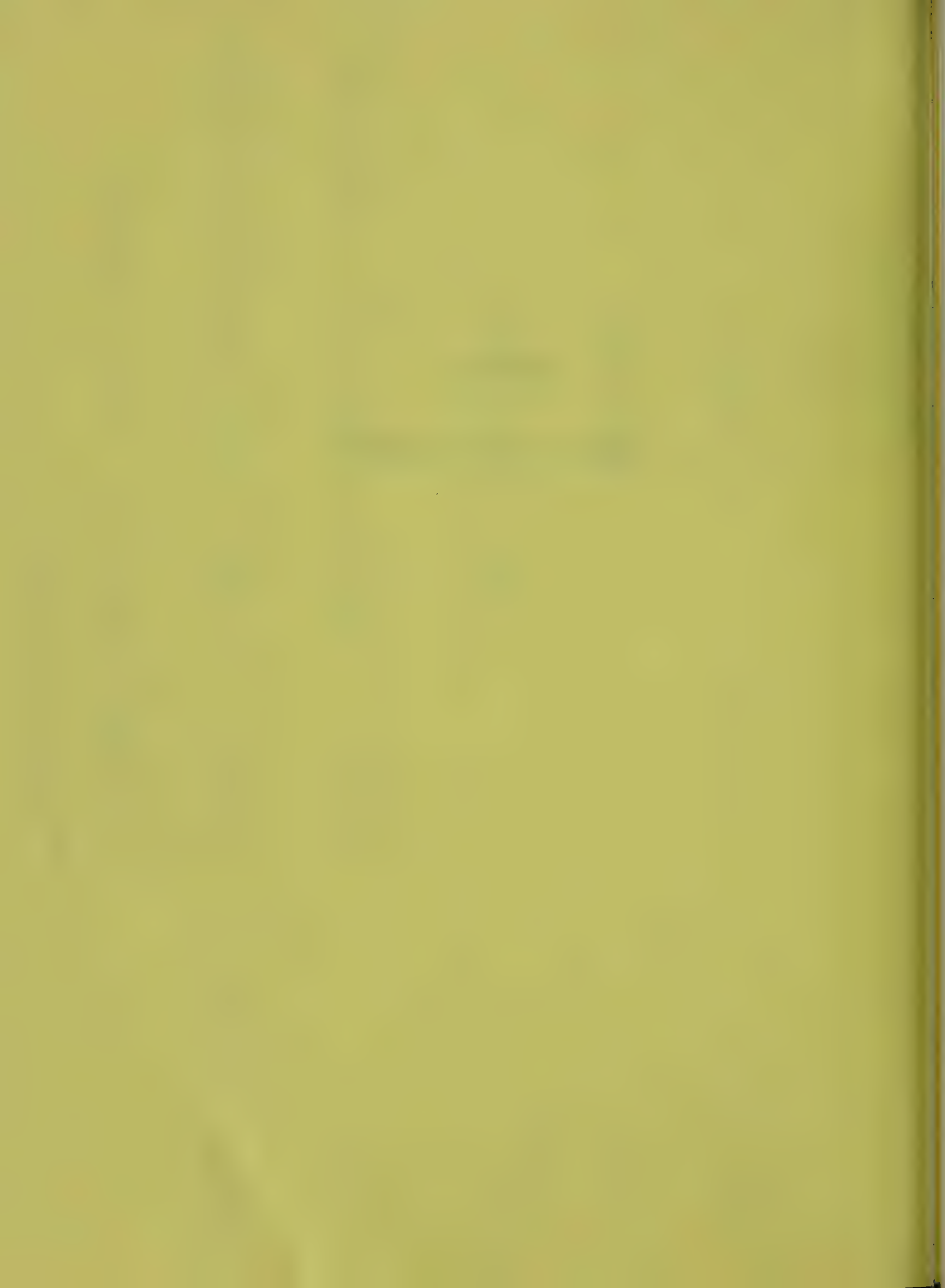
		REQUESTED 1980 BIENNIIUM	
		1980	1981
List Items in Priority Order:	Quantity		
Desks, \$450 each	4	1,800	
Chairs, 150 each	4	600	
File Cabinets, 150 each	4	600	
Side Chairs, 80 each	8	640	
Typewriters, 900 each	1	900	
Bookcases, 120 each	3	360	
Side tables, 100 each	2	200	
TOTAL		5,100	-0-

Revised August 8, 1978
DEPARTMENT OF JUSTICE ORGANIZATION CHART



CHAPTER V

RECORDED EXPERT TESTIMONY



INTRODUCTION

Aside from the professional expertise available within the Board, the necessity arose to seek guidance in areas requiring technical knowledge and testimony. Expansion of present crime lab facilities and construction and remodeling cost estimates are two such areas.

Contained within Chapter five are two reports. The first encompasses the findings and recommendations of an architectural firm regarding proposals for locating the Division of Forensic Science. The second addresses the needs associated with the expansion of Montana's present crime lab. Both reports provided technical data which aided the Board in the attainment of its objectives.

COMPARATIVE
STUDY OF
FORENSIC
LABORATORY SITES

FOR

THE MONTANA
BOARD OF FORENSIC
SCIENCE

MISSOULA SITE

SITE LOCATION

The Missoula site is in the Pharmacy Building on the East edge of the University of Montana Campus. The area designated is on the ground floor which includes one classroom, the present Administration Offices, and a one-story appendage that was added to the original building.

AVAILABLE AREA

The secured lab space is 3,150 square feet. A Conference room and Library across the corridor could be shared by the Pharmacy Building and the Forensic Lab. This area is not included in the 3,150 square feet.

Chemical storage in the basement is not included in the 3,150 square feet.

EXISTING BUILDING STRUCTURE

The Pharmacy Building is a reinforced concrete structure designed for laboratory work space. The appendage, which was added to the original building at a later date, is a concrete slab on grade, masonry bearing walls and wood roof system. The building is in good repair and appears to be vibration-free.

GENERAL RENOVATION REQUIREMENTS

With minimum renewal of existing wall and minor additional partitions, the area will be useable for laboratory use.

CODE VIOLATIONS

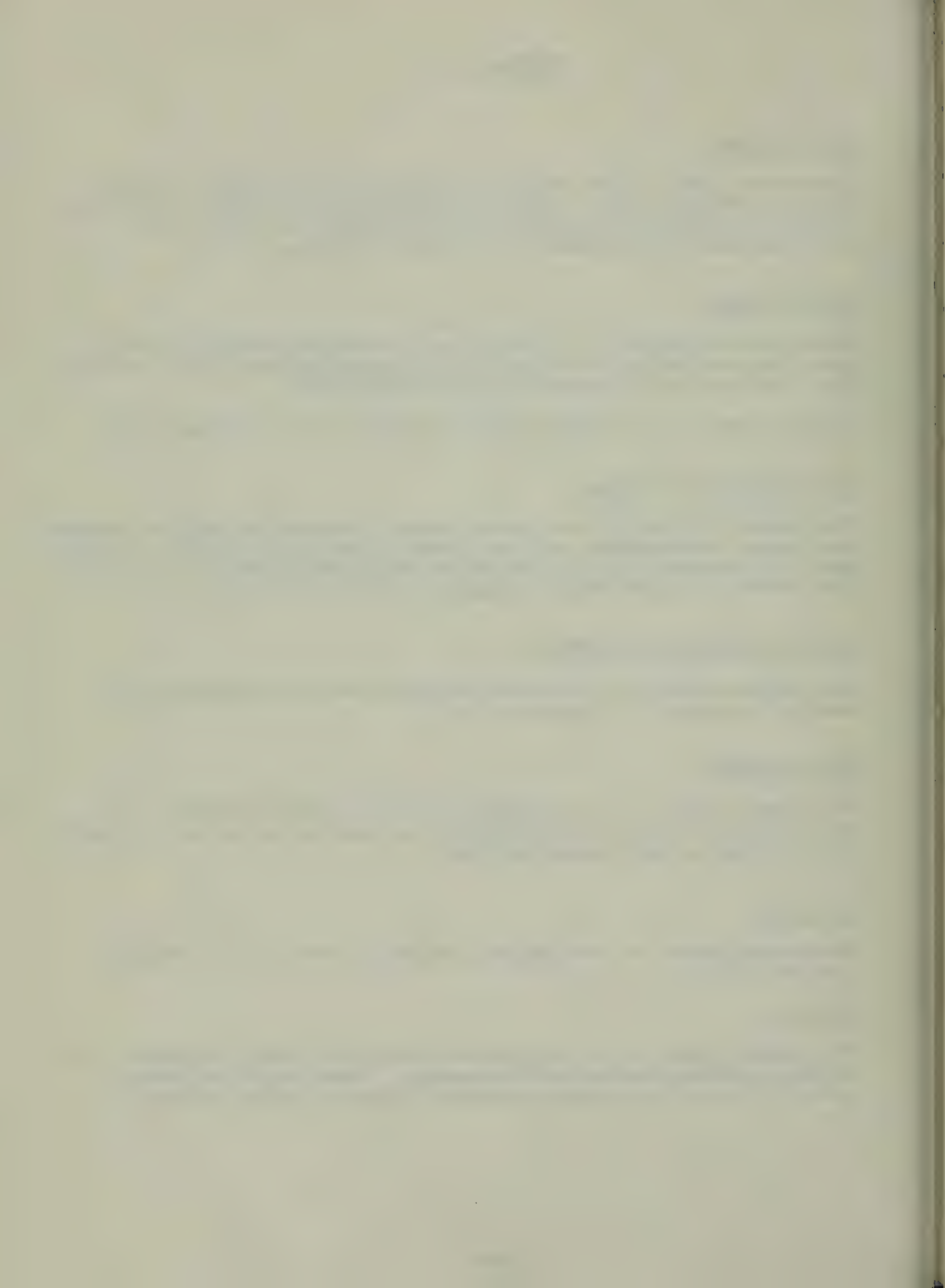
The basement area of the building does not have a sprinkler system. It is our understanding that this is prepared to be installed during the construction of an addition to the Pharmacy Building.

ELECTRICAL

The Building appears to have adequate electrical service for the Forensic Laboratory needs.

PLUMBING

The plumbing system in this building was designed for chemical disposal. No up-grading of the plumbing would be necessary. Pipe chases line the west side of this area with access to plumbing, electrical and gas service.



INTRODUCTION

The purpose of this report is to provide the Board of Forensic Science with costs, evaluations, and recommendations with respect to four (4) proposed facilities to accommodate the Division of Forensic Science.

On-site observation has been made on all four sites. Measurement of the buildings or plans of the existing buildings have been gathered to make the proper evaluation.

We appreciate the help we have received from the Department of Justice in gathering the information needed to compile this evaluation. We see a definite need for improving the present facilities of the Criminal Investigation Laboratory, and hope that the following information will help this Board make the proper decision for the future of the Montana Criminal Investigation Program.

Respectfully submitted,

CROSSMAN-WHITNEY-GRIFFIN, ARCHITECTS

DATE: October 25, 1978

TO: The Montana Board of Forensic Sciences

FROM Crossman-Whitney-Griffin, Architects

SUBJECT: Comparative Study of Forensic Laboratory Sites

On September 21, 1978, the Criminal Investigation Laboratory, located in Suite 115 of the Wilma Building in downtown Missoula, was visited and surveyed for this report. The Laboratory has approximately 1300 square feet of floor space where eight employees work under what we considered inadequate space, although the most efficient use of this space has been employed. On this same day the proposed site at the University of Montana was surveyed.

3150 Square Feet of floor space on the main level of the Pharmacy Building is the first site that will be discussed in this report.

On September 26, 1978, a visit to the Law Enforcement Academy in Bozeman was made, where the new prefab classroom, dormitory and office facilities were under construction. This is the second site that will be discussed in this report.

On September 27, 1978, a delegation from Cascade County requested that Great Falls be considered as a proposed site, and that the Laundry Building of the Old Columbus Hospital be that site. This site will be discussed in this report as Site No. 4. This site was visited on October 9, 1978.

Site No. 3, the Fifth Floor of the Scott Hart Building at the Capitol Complex in Helena, was visited by members of the Board and our office on September 27, 1978.

The purpose of this report is to evaluate each site, then compare their costs and functions.

The report is composed as follows:

1. The site description explaining briefly the location area, existing building, and the requirements needed to make the building useable for a Forensic Laboratory.
2. A site map locating the vicinity of the lab within each city.
3. A cost estimate projecting costs for each individual site.
4. A brief summary.

HEATING, VENTILATING AND AIR-CONDITIONING

The building has adequate heat. The appendage is air-conditioned. Some additional air-conditioning would be needed. An emergency exhaust system should be installed.

FIRE PREVENTION SYSTEM

A Halon System would have to be installed.

SECURITY

The area used for Forensic Laboratory could be isolated from the main corridors of the building. Security grilles would have to be installed on all windows and the proper warning system installed. The laboratory would have its own entrance, which is somewhat away from the main traffic of the campus.

STORAGE

The area has ample space for general storage. The University Chemical Storage areas are directly below, therefore, not requiring space for chemical storage within the laboratory.

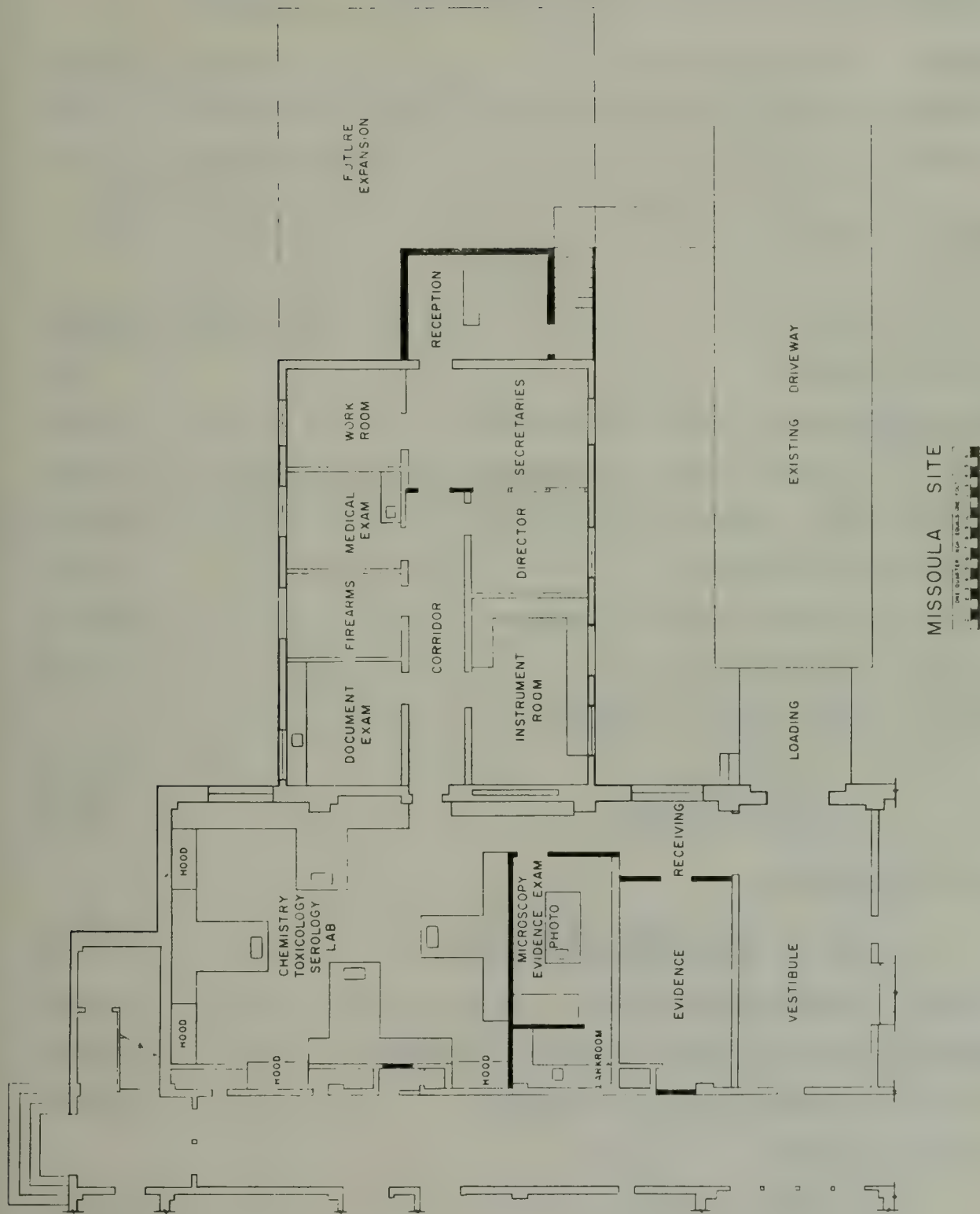
ACCESS AND PARKING

An existing driveway and loading ramp is available without any change. Additional parking would have to be arranged.

NOTE: A small addition is included on this site. The Lab. could function without it, or it could be constructed at a later date.

UPPER
RATTLESNAKE
AREA





COST ESTIMATE

Comparative Study of Forensic Laboratory Sites.

DATE: October 25, 1978

LOCATION: Missoula, Montana

BUILDING: Ground level area in the Pharmacy Building, University of Montana.

AREA: 3,150 S.F.

ITEM 1 - DEMOLITION	=	\$	1,000.00
ITEM 2 - MASONRY	=		0.00
ITEM 3 - FLOORING - 1900 S.F. @ \$0.50/S.F.	=		950.00
ITEM 4 - CEILINGS - 1500 S.F. @ \$1.00/S.F.	=		1,500.00
ITEM 5 - WALLS - 1000 S.F. wall @ \$3.50	=		3,500.00
ITEM 6 - PATCH AND REPAIR	=		500.00
ITEM 7 - PAINTING - 2500 S.F. @ \$0.60	=		1,500.00
ITEM 8 - INSULATION CAULKING	=		500.00
ITEM 9 - DOORS, FRAMES AND HARDWARE			
7 @ \$300.00 each	=		2,100.00
4 closers @ \$60.00	=		240.00
2 Panick Sets @ \$250.00	=		500.00
ITEM 10 - CABINETS:			
170 L.F. Lab Cabinets @ \$250.00	=		42,500.00
50 L.F. Storage Cabinets @ \$175.00	=		8,750.00
ITEM 11 - WINDOW SECURITY GRILLES - 200 S.F. @ \$7.50	=		1,500.00
ITEM 12 - HALON FIRE PROTECTION SYSTEM - 20,469 S.F.	=		36,000.00
ITEM 13 - ELECTRICAL - 3150 S.F. @ \$3.00	=		9,450.00
ITEM 14 - PLUMBING			
8 fixtures @ \$750.00	=		6,000.00
4-1/2 fixtures @ \$375.00	=		1,500.00

This building has adequate plumbing for disposal of chemicals, so no new mechanical service mains are required.

ITEM 15 - HOODS & EXHAUST SYSTEMS

2 hoods	=	\$	12,000.00
1 Exhaust for fluorescence	=		1,500.00
1 evacuation system	=		40,000.00

ITEM 16 - GAS PIPING = 1,575.00

ITEM 17 - HEATING, VENTILATING & AIR-CONDITIONING = 7,875.00

ITEM 18 - SECURITY SYSTEM = 5,695.00

ITEM 19 - NEW ANNEX - 170 S.F. @ \$31.00 = 5,270.00

TOTAL = 181,905.00

CONTRACTOR TAXES, PROFIT & OVERHEAD, ETC.
@ 26% = 49,895.00

TOTAL = \$ 241,800.00

FEES: Architectural (including Mechanical
and Electrical Consultants and Testing) = \$ 26,600.00

BOZEMAN SITE

SITE LOCATION

The Bozeman site is on the grounds of the Gallatin County Law Enforcement Center, and adjacent to the State Law Enforcement Academy. Montana State University is near the site. The site is a 255' x 300' piece of ground with water and sewer on its east edge. The Training Complex is to the south and the County Law Center to the west.

AVAILABLE AREA

Two wood frame pre-fabricated structures with connecting corridors, chemical storage and load area attached are proposed for the Bozeman site. Each pre-fabricated unit has approximately 1,940 square feet. The total area, including attached areas, is 4,080 square feet.

BUILDING STRUCTURE

The pre-fabricated units are constructed of 2 x 6 wood studs, insulated with 6" fiberglas. A pre-finished siding on the exterior and a pre-finished paneling on the interior. Ceilings are a little under 8 feet. Higher ceilings would be needed in portions of the building.

The structure is hauled to the site on a steel I-Beam under frame and is set on a concrete foundation making the sub-structure stable. Additional support or concrete pads would have to be constructed to stabilize such areas as the instrument room where vibration is undesirable.

A wood frame roof structure, insulated, is covered with asphaltic shingles.

GENERAL RENOVATION REQUIREMENTS

The pre-fabricated unit will be delivered with partitions and windows as directed.

Adjustments to the standard building would be made as follows:

1. Metal door and frames
2. Cabinets, work, storage, and laboratory types.
3. Security grilles on the windows.
4. Fire protection systems.
5. Electrical up-grade
6. Plumbing to handle chemical waste
7. Hoods and exhaust systems.
8. Gas piping
9. Heating, ventilating and air-conditioning.
10. Security system
11. Connecting corridor
12. Loading and storage room

CODE VIOLATION

Since the building is a new structure, code requirements would be followed.

ELECTRICAL

The pre-fabricated units have basic wiring upon delivery. This would have to be adjusted to meet the laboratory needs.

PLUMBING

Waste and vent piping will be glass or plastic material, specifically designed for the chemicals produced by the laboratory operation.

HEATING, VENTILATION & AIR CONDITIONING

The heating, ventilating and air-conditioning system for this site would have to be designed to meet the specific needs of the laboratory.

FIRE PROTECTION SYSTEM

A Halon System would have to be installed.

SECURITY

This building is not as structurally secure as the other sites. It has the advantage of being near the County Law Enforcement Center. Security grilles would have to be installed on all windows, and the proper warning system be employed in the building. It would need additional warning protection on the exterior walls.

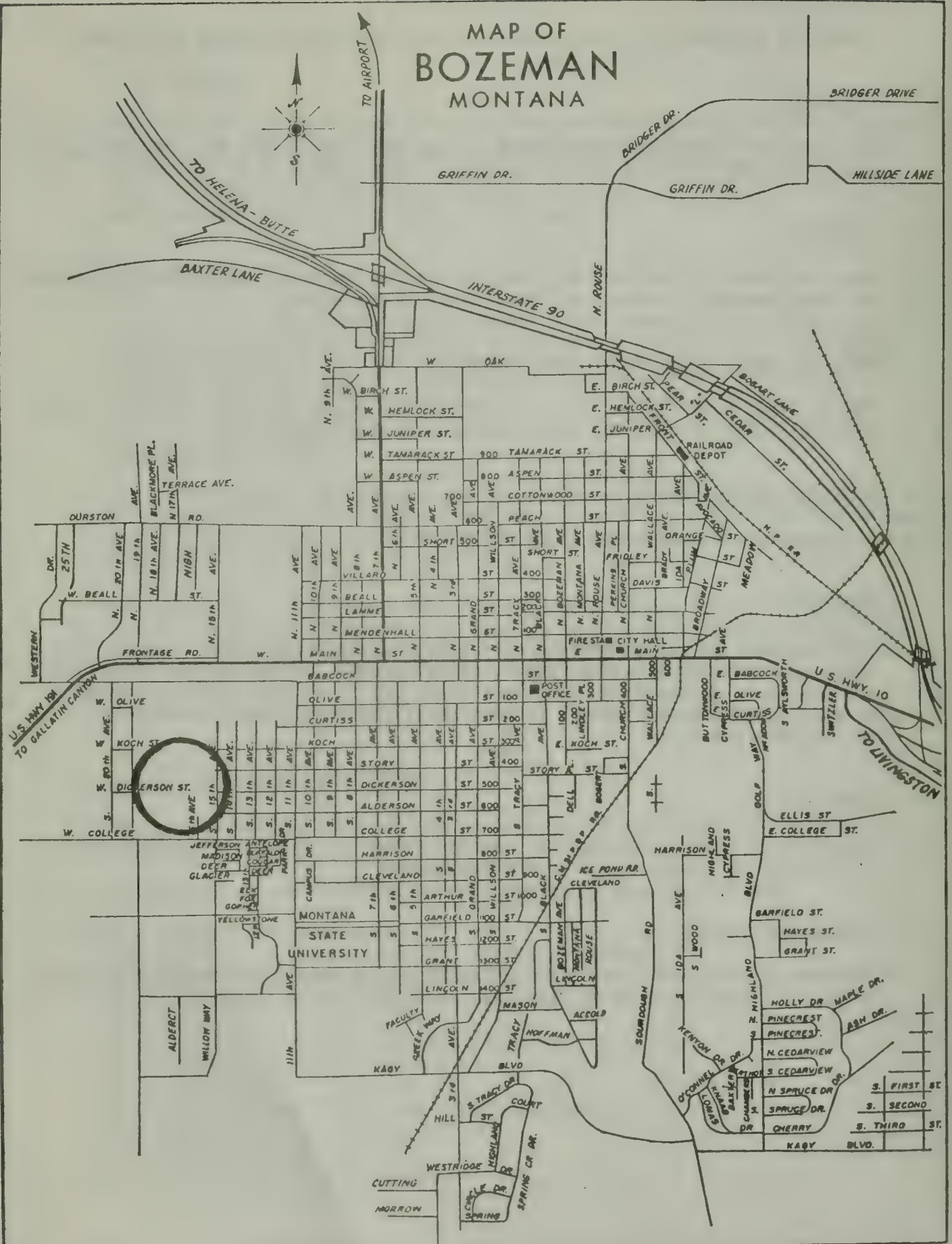
STORAGE

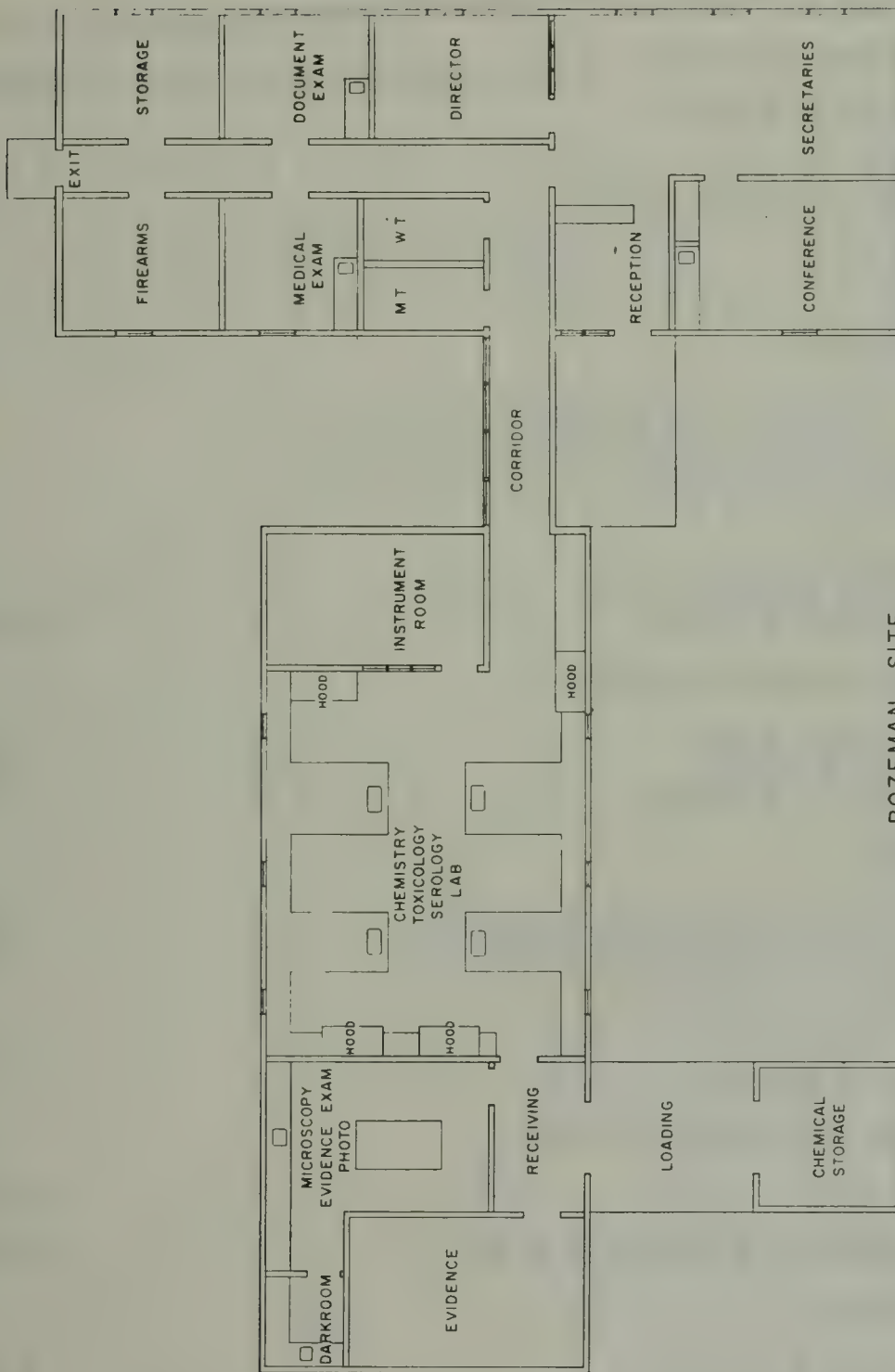
The building would need chemical storage space for small amounts of chemicals. The University chemical stores are available.

ACCESS AND PARKING

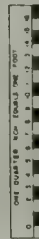
The area is not in the main line of traffic, but has normal access and egress. Sufficient parking would be available directly east of the building.

MAP OF BOZEMAN MONTANA





BOZEMAN SITE



COST ESTIMATE

Comparative study of forensic laboratory sites.

DATE: October 25, 1978

LOCATION: Bozeman, Montana

BUILDING: Proposed pre-fabricated units on existing County site next to Law Enforcement Academy.

AREA: 4,080 S.F.

ITEM I - DEMOLITION

No Costs

NOTE: Items 2 through 8 are included in the following base price for the pre-fabricated structure. Additional items of cost are included to modify the pre-fabricated units.

2 pre-fab. units
connecting corridor & porch
Chem. Storage & Loading

= \$ 126,480.00

ITEM 9 - DOORS, FRAMES AND HARDWARE:

9 Metal Doors @ \$300
8 closers @ \$60.00
2 panick sets @ \$250.00

= 2,700.00
= 480.00
= 500.00

ITEM 10 - CABINETS:

116' Lab. Cabinets @ \$250.00/Lin. Ft.
55' Storage & Work @ \$175.00/Lin. Ft.

= 29,000.00
= 9,625.00

ITEM 11 - WINDOW SECURITY GRILLES

255 S.F. @ \$7.50/S.F.

= 1,913.00

ITEM 12 - HALON FIRE PROTECTION SYSTEM

18,000 C.F.

= 36,000.00

ITEM 13 - ELECTRICAL - 4,080 S.F. @ \$5.00

= 20,400.00

ITEM 14 - PLUMBING

13 fixtures @ \$750
7-1/2 fixtures @ \$375
Mechanical service mains

= 9,750.00
= 2,625.00
= 2,500.00

ITEM 15 - HOODS & EXHAUST SYSTEMS:

2 Hoods
1 exhaust for fluorescence
1 evacuation system

= 12,000.00
= 1,500.00
= 40,000.00

ITEM 16 - GAS PIPING	=	\$ 2,040.00
ITEM 17 - HEATING, VENTILATING & AIR-CONDITIONING	=	32,640.00
ITEM 18 - SECURITY SYSTEM	=	6,220.00
CONTRACTOR TAXES, PROFIT, OVERHEAD @ 26%	=	<u>87,457.00</u>
TOTAL	=	\$423,830.00
Fees: Architectural (including Mechanical and Electrical consultants and Testing)	=	\$ 46,621.00

HELENA SITE

SITE LOCATION

The Helena site is located on the Fifth Floor of the former Montana Department of Highways Building (Scott Hart Building) in the State Capitol Complex. This floor is currently unoccupied and includes one large open room with adjacent toilet rooms.

AVAILABLE AREA

The proposed secured lab space will occupy 3395 square feet of the available 5712 square feet on the floor. The remaining 2317 square feet of this floor includes toilet rooms, corridors and approximately 815 square feet of space for future laboratory expansion.

EXISTING BUILDING STRUCTURE

The former Montana Department of Highways Building is a reinforced concrete post and beam structure with a curtain wall facade and was originally designed for general office use. The building generally is in good repair, including a new roof presently being applied directly above the fifth floor laboratory site.

GENERAL RENOVATION REQUIREMENTS

Designed originally as an open office, this floor will require minimum demolition of existing partitions, structure, etc. The present suspended acoustical tile ceiling is somewhat rough in appearance and should have the panels replaced. The suspension grid system would remain. New partitions would have to be constructed to define the laboratory spaces.

CODE VIOLATIONS

Since the proposed laboratory spaces will not occupy the entire available floor area, an exit corridor will have to be provided for the full length of the building between the two existing stairs. The present main stair serving the east end of the building does not have the required fire rated enclosure. This will have to be constructed around the stairs on all five floors of the building. Emergency exit lighting would have to be provided in the corridors and at all exit doors.

ELECTRICAL

Although general lighting and power requirements are adequate, the specific power requirements of the laboratory would probably require a new electrical service to this floor.

PLUMBING

The only plumbing services available to this floor are to the toilet rooms. New hot and cold water services and acid waste lines will have to be provided from the source to the fifth floor. An accessible plumbing chase is available between the existing toilet rooms.

HEATING, VENTILATING AND AIR-CONDITIONING

There is presently adequate heating, ventilating and air-conditioning available to this floor. Since each floor of this building has individual HVAC units, there should be no conflict between the functions of the laboratory and the other functions of the building.

FIRE PREVENTION SYSTEM

A Halon 1301 fire prevention system will have to be installed.

SECURITY

Security for this site should be relatively easy to achieve since the laboratory will be on the top story of the building. A proper entrance warning system would have to be installed. Although, it is possible for entrance to be gained to the laboratory from the roof through the windows, the use of window security screens is of questionable economic value. The existing windows in the area of the evidence room will be removed and the opening sealed.

STORAGE

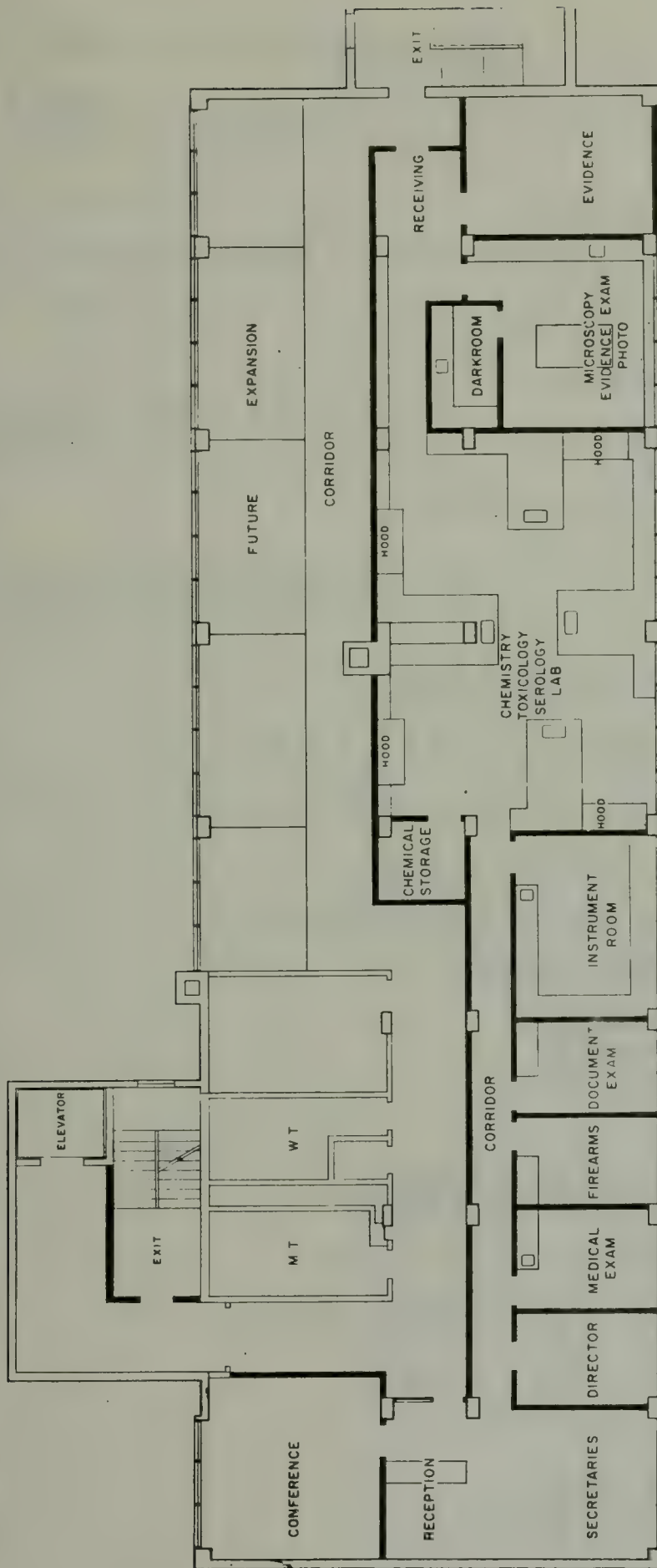
There is ample area available for general storage. Chemical storage has been provided for in the proposed plan and chemical supplies are available from the Montana Highway Materials Testing Laboratory, the Montana Department of Health and Carroll College.

ACCESS AND PARKING

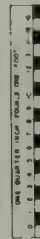
Adequate access, loading facilities and parking are currently available.

RENT

Yearly rent is \$2.24 per square foot, times 3,395 square feet, equals \$7,639.00 per year or \$636.58 per month.



HELENA SITE



COST ESTIMATE

Comparative Study of Forensic Laboratory Sites

DATE: October 25, 1978

LOCATION: Helena, Montana

BUILDING: Scott Hart Building

AREA: 3395 Square Feet

ITEM 1 - DEMOLITION	=	\$	5,000.00
ITEM 2 - MASONRY - 1250 S.F. @ \$3.50	=		4,375.00
ITEM 3 - FLOORING	=		0.00
ITEM 4 - CEILINGS			
A.C. Tile - 3,667 S.F. @ \$0.50	=		1,834.00
A.C. Plaster - 875 S.F. @ \$1.50	=		1,312.00
ITEM 5 - INTERIOR PARTITIONS - 3695 S.F. @ \$3.50	=		12,933.00
ITEM 6 - PATCH & REPAIR FLOORING, PLASTER, WALLS, ETC.	=		2,500.00
ITEM 7 - PAINTING - 12,552 S.F. @ \$0.60	=		7,531.00
ITEM 8 - INSULATING, CAULKING & WEATHERPROOFING	=		500.00
ITEM 9 - DOORS, FRAMES & HARDWARE			
17 Doors @ \$300.00	=		5,100.00
10 Closers @ \$60.00	=		600.00
7 Panic Sets @ \$250.00	=		1,750.00
ITEM 10 - CABINETS			
190 L.F. Lab Cabinets @ \$250.00	=		47,500.00
53 L.F. Storage Cabinets @ \$175.00	=		9,275.00
ITEM 11 - WINDOW SECURITY - 98 S.F. @ \$7.50	=		735.00
ITEM 12 - HALON FIRE PROTECTION SYSTEM - 20,396 C.F.	=		36,000.00
ITEM 13 - ELECTRICAL - 3395 S.F. @ \$4.00	=		13,580.00
ITEM 14 - PLUMBING			
9 Fixtures @ \$750.00	=		6,750.00
4-1/2 Fixtures @ \$375.00	=		1,500.00
New Mech. Service Mains	=		5,000.00

ITEM 15 - HOODS & EXHAUST SYSTEMS

2 Hoods	= \$	12,000.00
1 Exhaust for fluorescence	=	1,500.00
1 Evacuation System	=	40,000.00

ITEM 16 - GAS PIPING	=	1,645.00
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ITEM 17 - HEATING, VENTILATING & AIR-CONDITIONING	=	8,225.00
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ITEM 18 - SECURITY SYSTEM	=	<u>7,500.00</u>
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TOTAL	= \$	234,645.00
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CONTRACTOR TAXES, PROFIT & OVERHEAD, ETC.

@ 26%	=	<u>61,008.00</u>
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TOTAL	= \$	<u>295,653.00</u>
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FEES: Architectural (including Mechanical and
Electrical Consultants and Testing)

= \$	32,522.00
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GREAT FALLS SITE

SITE LOCATION

The Great Falls site is the Laundry Building adjacent to and separate from the Old Columbus Hospital. Except for a tunnel connection to the main building, the access is at ground level.

AVAILABLE AREA

The area assigned would be 3,750 square feet. This does not include an elevator and stairs that connect to the main building.

EXISTING BUILDING STRUCTURE

The building is a reinforced masonry structure with a steel frame roof system. The majority of the windows are glass block. The floors are reinforced concrete slab over a mechanical room below. It has not been determined if the vibration level would be unsatisfactory for laboratory equipment.

GENERAL RENOVATION REQUIREMENTS

With very little demolition in need, the area is open and would lend itself to easy remodel.

Remodeling would involve the following:

1. Concrete masonry walls around evidence room.
2. New vinyl asbestos tile over existing concrete.
3. Suspended ceilings in some areas.
4. New steel stud and gypsum board walls painted
5. New doors and frames
6. Cabinets - both laboratory and standard. (Lab cabinets are available on site. Cost for this equipment is not available.)
7. Window security grilles on the exterior of all windows.
8. Halon fire protection system. A non-liquid protection.
9. Additional lighting and electrical outlet will be needed on this site.
10. The existing waste and vent system will take care of the chemicals produced by the laboratory operation.
11. Hoods and exhaust system will have to be installed. An existing air evacuation fan can be utilized.
12. A security system would be required.

CODE VIOLATIONS

Emergency exits would be required. Mechanical and electrical systems would have to be updated.

ELECTRICAL

The general power requirements are adequate.

PLUMBING

Existing waste and vents are adequate. New fixtures and piping will be required.

HEATING, VENTILATING AND AIR-CONDITIONING

There is adequate heating available to this building. Ventilation and air-conditioning would have to be provided.

FIRE PREVENTION SYSTEM

A Halon fire prevention system will have to be installed.

SECURITY

Security for this site can be achieved. Metal screens on all windows, a security fence to the court area, and a proper warning system for the building.

STORAGE

The area has ample space for general storage. On-site chemical storage would be provided. The forensic lab might be required to secure bulk chemical supplies due to the availability in the area. Chemical supplies could be obtained from Columbus Hospital.

ACCESS AND PARKING

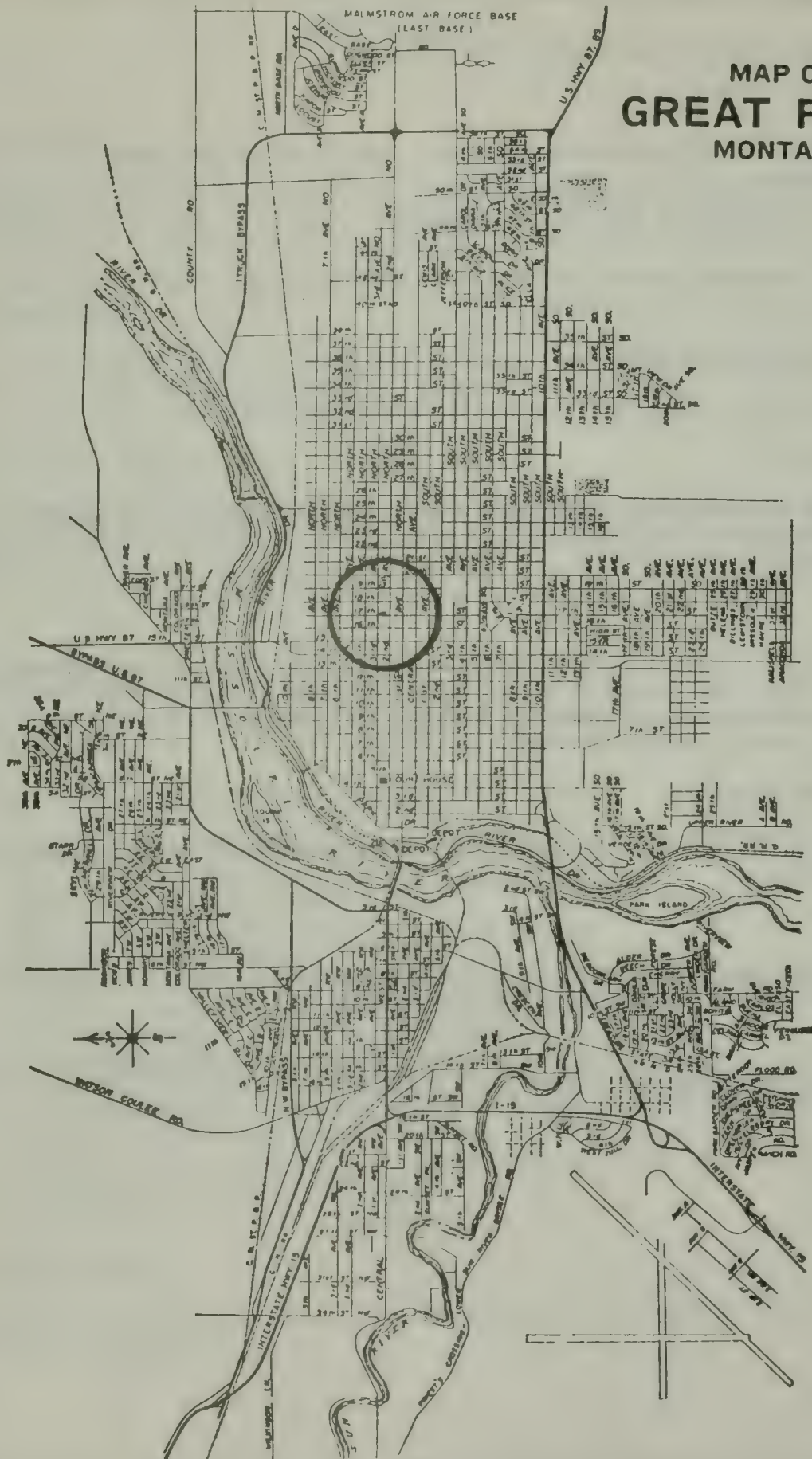
The access is close to the downtown area and sufficient parking is available on the site.

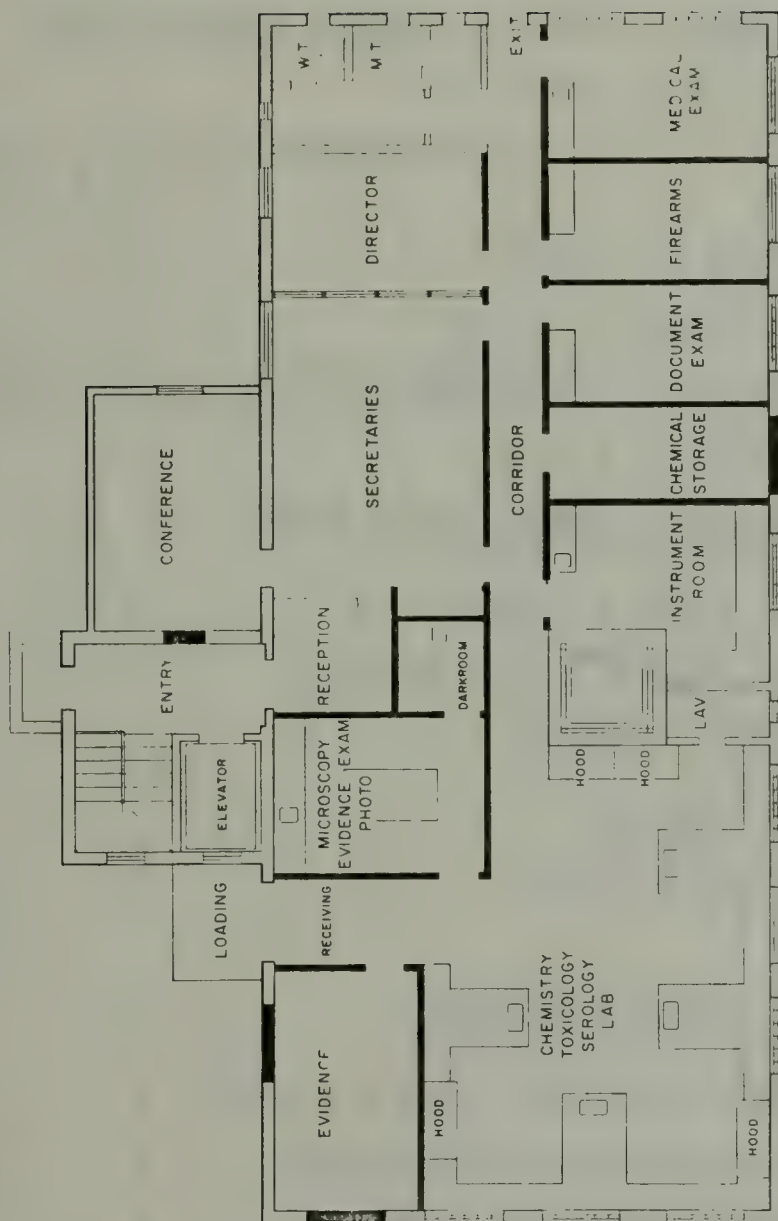
RENT

Yearly rent would not exceed \$4.50 per square foot, times 3,750 square feet equals \$15,875 per year, or \$1,406.25 per month.

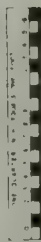
NOTE: This is the only site that does not have expansion space within the building itself.

MAP OF GREAT FALLS MONTANA





GREAT FALLS SITE



COST ESTIMATE

Comparative study of Forensic Laboratory Sites.

DATE: October 25, 1978

LOCATION: Great Falls, Montana

BUILDING: Laundry Building of the Old Columbus Hospital

AREA: 3,750 Square Feet

ITEM 1 - DEMOLITION	= \$	2,000.00
ITEM 2 - MASONRY - 450 S.F. @ \$3.50	=	1,575.00
ITEM 3 - FLOORING - 3,480 S.F. @ \$0.50	=	1,740.00
ITEM 4 - CEILINGS - 1,120 S.F. @ \$1.00/S.F.	=	1,120.00
ITEM 5 - WALLS - 2,615 S.F. @ \$3.50	=	9,154.00
ITEM 6 - PATCH AND REPAIR CONCRETE FLOOR, GLASS BLOCK WINDOWS, EXISTING WALLS	=	1,500.00
ITEM 7 - PAINTING - 5,230 S.F. @ \$0.60	=	3,138.00
ITEM 8 - INSULATION, CAULKING & WEATHERPROOFING	=	500.00
ITEM 9 - DOORS, FRAMES AND HARDWARE		
14 doors @ \$300.00	=	4,200.00
7 Closers @ \$60.00	=	420.00
2 Panick Sets @ \$250.00	=	500.00
ITEM 10 - CABINETS		
140' lab cabinets @ \$250.00/L.F.	=	35,000.00
50' storage cabinets @ \$175.00	=	8,750.00
ITEM 11 - WINDOW SECURITY GRILLES - 300 S.F. @ \$750	=	2,250.00
ITEM 12 - HALON FIRE PROTECTION SYSTEMS 22,880 C.F.	=	45,000.00
ITEM 13 - ELECTRICAL - 3,750 S.F. @ \$5.00/S.F.	=	18,750.00
ITEM 14 - PLUMBING		
8 Fixtures @ \$750.00	=	6,000.00
4-1/2 Fixtures @ \$375.00	=	1,500.00

We have been told that the plumbing is adequate to take the chemicals used by the Forensic Lab. Therefore, no costs for drain and venting systems are included. (Note: Plumbing is not adequate. Necessary alterations would cost approx. \$6000.

ITEM 15 - HOODS & EXHAUST SYSTEM

2 Hoods	=	\$ 12,000.00
1 Exhaust for fluorescence	=	1,500.00
1 evacuation system	=	20,000.00

ITEM 16 - GAS PIPING	=	1,875.00
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ITEM 17 - HEATING, VENTILATING AND AIR-CONDITIONING	=	18,750.00
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ITEM 18 - SECURITY SYSTEMS	=	<u>6,400.00</u>
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TOTAL	=	\$ 209,622.00
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CONTRACTORS TAXES, PROFIT, OVERHEAD, ETC.
@ 26%

=	<u>52,942.00</u>
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TOTAL	=	<u>\$ 262,564.00</u>
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FEES: Architectural (including Mechanical and
Electrical Consultants and Testing)

=	\$ 28,222.00
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ALTERNATE SITE

This proposal would be a permanent concrete and steel structure on the Bozeman Site. The building costs of a 5,000 square foot building designed to accommodate possible future expansion would be approximately \$500,000.00.

EDITOR'S NOTE

Although not specifically requested by the Board, the consulting architect included the above alternative for the Board's consideration and comparison to the remaining four proposals. Its inclusion provided cost estimates associated with structural remodeling of existing buildings, construction of a prefabricated facility and construction of a permanent concrete and steel structure. As indicated, the architect's first recommendation was to build a permanent facility.

The average square footage figure for the four proposed sites was approximately 4,000 square feet. This figure represents an average difference of 1,000 square feet between the proposed sites and the permanent alternative. Addressing this disparity the architect explained that the square footage for the permanent alternative provides adequate space for a complete yet standard forensic facility which allows for future expansion. With inflationary trends, the cost of expanding a facility at a future date makes planning for distant needs economically advantageous. An additional consideration, the architect noted, was that square footage costs decrease as square footage within a structure increases, a consideration of some import when viewing construction costs. For example, construction of a permanent 4,000 square foot structure would cost approximately \$472,000.00. Although the difference in square footage between a 4,000 and a 5,000 square foot structure is substantial, the difference in cost is marginal.

In the Board's October meeting it was unanimously resolved to pursue the architect's and the Physical Resources Committee's recommendation to seek approval for constructing a permanent facility on the Bozeman site. This decision was predicated on the cost/benefit analysis of the five proposals provided by the architect as well as on the availability of various support facilities and personnel within Bozeman.

SUMMARY

	<u>APPROXIMATE COST</u>	<u>RENT</u>
MISSOULA	\$268,400.00	\$ 4.50 Assumed
BOZEMAN	\$470,451.00	4.50 Assumed
HELENA	\$328,175.00	2.25 Confirmed
GREAT FALLS	\$290,786.00	4.50 Confirmed
ALTERNATE	\$500,000.00	State Owned

We must realize that three of the sites, Missoula, Helena and Great Falls, are remodeling existing buildings to bring them up to code, and provide the necessary construction to make the space habitable for a Forensic Lab. The other site, Bozeman, is all new construction of the pre-fabricated type, making the cost approximately double the remodeled sites.

Our first recommendation is to build a permanent lab. on the Bozeman site using the alternate site proposal.

The second recommendation would be the Missoula site, which would be the most economical due to moving costs and down time of the existing laboratory; provided a satisfactory arrangement could be made with the University of Montana for a long term lease agreement, and that the right to expand the lab facilities as shown, would be granted.

A G R E E M E N T

THIS AGREEMENT is made this twentieth day of September 1978, by and between CROSSMAN, WHITNEY and GRIFFIN ARCHITECTS, 311 Fuller Avenue, Helena, Montana, hereinafter termed the "CONSULTANT" and the MONTANA BOARD OF FORENSIC SCIENCE, Office of the Attorney General, State Capitol, Helena, Montana, for the State of Montana, hereinafter termed the "BOARD."

II. PURPOSE

The purpose of this Agreement is to provide the Board with Consultant's professional expertise, evaluations and recommendations with respect to three (3) proposed facilities to accommodate the Division of Forensic Science. In accordance with Paragraph III, the Consultant agrees to inspect and evaluate (1) the fifth floor of the Scott Hart Building, Helena; (2) the laboratory and facilities proposed and to be vacated by the School of Pharmacy, University of Montana in Missoula, Montana; and (3) the working drawings, specifications and sample of a basic modular building unit to be made available by the Board. The Parties agree that no provision of this Agreement will entitle the Consultant to any priority or special consideration by the State of Montana with respect to subsequent architectural work, design or engineering in connection with any construction or

remodeling project resulting from consultations, evaluations, drawings, recommendations or advice supplied by the Consultant to the Board as provided herein.

III. DUTIES

The Consultant agrees (1) to conduct on-site inspections of the proposed facilities set forth in Paragraph II for the purpose of gathering such measurements and data as needed to perform the duties specified herein; (2) to conduct an on-site survey of the Criminal Investigation Laboratory, Montana Department of Justice, in Missoula, Montana, for the purpose of evaluation of space, traffic flow, equipment, security and other requirements to be established through consultation with the Board and its representatives; (3) to consult on a continuing basis with the Chief of the Criminal Investigation Laboratory Bureau, Department of Justice, Missoula, Montana, for assistance and guidance in the evaluation of the proposed facilities according to guidelines contained in Exhibit A, General Specifications For Forensic Laboratory, and Exhibit B, Resolution Fourteen -- Expansion of Crime Laboratory Services, Montana Board of Forensic Science, 24 April 1978; Exhibits A and B are attached to this Agreement and by this reference incorporated herein; (4) to supply preliminary drawings of alternatives for remodeling and modifications of each proposed facility; (5) to attend meetings of the Board upon request throughout the term of this Agreement; (6) to

provide both oral and written presentations which include the Consultant's professional comparative evaluations of the proposed facilities, comparative cost estimates for remodeling or modifications required to meet specifications set forth in Exhibit A and Exhibit B, and any other information and conclusions which the consultant deems useful to the Board.

IV. COMPENSATION

The Board agrees to compensate the principal partners associated with the Consultant for services rendered at the rate of twenty-two dollars (\$22) per hour, and to compensate the Consultant for services rendered by his employees at the rate of two (2) times the actual labor cost incurred by the Consultant in providing employee services. The Board agrees to compensate the Consultant for actual and necessary expenses relating to printing and supplies, to provide transportation whenever practicable to the Consultant as required for the performance of duties set forth in Paragraph III, and to compensate the Consultant for necessary travel and per diem expenses as provided by law. The Parties agree that compensation to be paid to the Consultant shall not exceed five thousand dollars (\$5,000) and that compensation shall be determined on the basis of records which the Consultant shall maintain and provide to the Board upon request. The Consultant agrees to notify the Board in writing of total compensation due within thirty

(30) days after the completion of performance of this Agreement.

V. TERM OF PERFORMANCE

The Parties agree to commence performance of this Agreement upon its execution, and that this Agreement shall terminate on 15 November 1978.

VI. LIAISON

The Board agrees to maintain continuous liaison with the Consultant through the following representatives of the Board: (1) Lonn Hoklin, Board Administrator; (2) Fritz Behr, Chairman of the Board Physical Resources Committee; and (3) Arnold Melnikoff, Chief of the Criminal Investigation Laboratory Bureau, Department of Justice.

VII. AGENCY ASSISTANCE

The Board agrees to provide, whenever practicable, transportation to the Consultant to sites outside Helena, Montana, in accordance with Paragraphs III and IV. The Board further agrees to provide such working drawings and blueprints as are available and necessary to performance of this Agreement by the Consultant.

VIII. OWNERSHIP AND PUBLICATION OF MATERIALS

The Parties agree that all printed materials, reports, drawings, records and publications generated as products of the performance of this Agreement are the property of the State of Montana, and that the Consultant is entitled to retain copies of such products for whatever use the Consultant might have.

IX. STATUS OF THE CONSULTANT

The Consultant acknowledges and hereby agrees that he is an independent contractor, that the Consultant's principal partners associated with the Consultant and the employees of the Consultant are not employees of the State of Montana.

X. ACCESS TO RECORDS

The Consultant agrees to maintain detailed and accurate records that reflect the number of hours spent in performance of this Agreement by the Consultant and his employees, the nature and amount of expenses incurred, and the compensation charged to the Board. The Consultant further agrees that the Board, through its Administrator in accordance with Paragraph VI, is entitled to have access to such records upon request, and that the Legislative Auditor and the Legislative Fiscal Analyst are entitled to have such access as provided by law.

XI. TERMINATION

The Parties agree that this Agreement can terminate at any time by mutual written consent.

XII. VENUE

The Parties agree that in the event of litigation concerning non-performance or default of this Agreement, venue shall be the First Judicial District in and for the County of Lewis and Clark, Montana, and that this Agreement shall be interpreted according to the laws of the State of Montana.

XIII. ASSIGNMENT, TRANSFER AND SUBCONTRACTING

The Parties agree that the Consultant shall not, without the written permission of the Attorney General acting as the representative of the Board, assign, transfer or subcontract to any other individual or entity any part of the duties set forth herein.

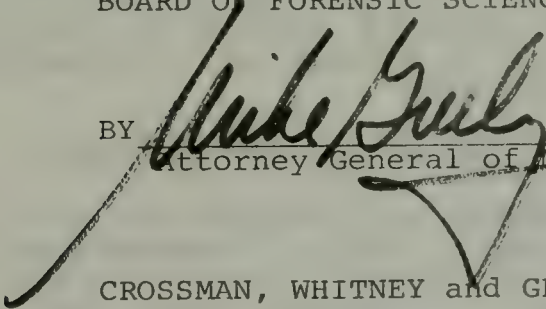
XIV. MODIFICATIONS AND PREVIOUS AGREEMENTS

The Parties agree that the provisions herein constitute their entire agreement, and that any statement, promise or inducement made by either Party, or agent of either Party, which does not appear herein, shall not be valid or binding. The Parties further agree that this Agreement may not be modified, altered or enlarged except upon written mutual consent.

BOARD:

STATE OF MONTANA
BOARD OF FORENSIC SCIENCE

BY


Attorney General of Montana

CONSULTANT:

CROSSMAN, WHITNEY and GRIFFIN ARCHITLCTS

By

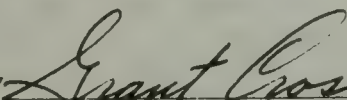
 - PARTNER

EXHIBIT A

GENERAL SPECIFICATIONS FOR FORENSIC LABORATORY

1. PLUMBING REQUIREMENTS:

The laboratory will require a minimum of eight sinks. Each sink will require hot and cold water, plus the additional cold water line for an aspirator. All sinks will be used to dispose of corrosive chemicals, such as concentrated acids and bases (concentrated sulfuric acid and concentrated sodium hydroxide, for example).

Distribution of sinks:

Chemistry and toxicology	4 sinks
Serology	2 sinks
Document examiner (photo lab)	1 sink
Medical examiner	1 sink

2. ELECTRICAL REQUIREMENTS:

40 duplex - 20 amp - 110 volt circuits
10 duplex - 20 amp - 220 volt circuits

3. VENTILATION REQUIREMENTS:

Laboratory will require a minimum of four fume hoods. Two fume hoods can be moved from present location and two more fume hoods will have to be purchased if not available at new location. An area of laboratory space approximately 200 sq. ft. will have to be constructed which is dust free and has positive air pressure gradient so dust will not accumulate. This area is to be used as a microscopic examination and trace evidence room.

4. FIREARMS EXAMINATION REQUIREMENTS:

Firearms examiner will require an area to test fire various weapons. A bullet trap of considerable weight which can be vertical or horizontal, with a minimum inside dimension of 10' x 3' x 3' filled with water and constructed of plate steel. This tank does not necessarily have to be in the laboratory but has to be in a close proximity and be in an area where noise will not be a problem, or special sound proofing must be provided.

5. SECURITY REQUIREMENTS:

Forensic laboratory, offices of medical examiner and lab staff must be in a self contained limited access area. The

only area that should have public access is a reception area for mail, evidence delivered in person and for receiving visitors. Outside walls and windows must be secure so that forced entry will not be easily obtained. This requires metal screening of windows, and walls, floors and ceilings are to be constructed of substantial material, such as brick and mortar and/or reinforced concrete construction.

For evidence storage: A separate enclosed area of a minimum of 300 sq. ft. will have to be provided for evidence storage. This area will have to meet the highest security requirements, since "chain of evidence" requirements mandate an area that can be made secure from intrusion and an access strictly controlled, even to those working in the laboratory.

6. SAFETY REQUIREMENTS:

The laboratory must obviously meet all fire and laboratory safety requirements. Since many corrosive, toxic and carcinogenic chemicals are routinely used in normal laboratory procedures. If not properly planned, safety requirements, such as fire exits, may conflict with security requirements, therefore, both requirements will have to be well planned so that neither is compromised at the expense of the other.

An area will have to be provided to store volatile and corrosive toxic chemicals in bulk containers, such as chloroform, ether, benzene, sulfuric acid, etc., in 5 to 40 gallon drums. If such storage facilities are not available at a convenient adjacent location, they will have to be made available at the laboratory sight.

EXHIBIT B

See Chapter 3, Resolution 14

A PROPOSAL TO EXPAND PRESENT
CRIMINAL INVESTIGATION LABORATORY
TO A BASIC, ROUTINE FULL SERVICE CRIME LABORATORY
AT MINIMAL COST

By Arnold Melnikoff
Requested by the Physical Resources and
Personnel Committees of the
Board of Forensic Science

The space presently occupied by the Criminal Investigation Laboratory is 1300 square feet, for eight employees. The space is adequate only for existing employees and would not be sufficient for firearm and tool mark examiners, a questioned document examiner, an additional forensic serologist, forensic microanalyst and secretary, which are needed for a full service crime laboratory capable of basic services at minimum cost. The firearm and tool mark examiners would drastically increase the major case load of the laboratory, requiring the services of another forensic serologist to analyze blood stains, seminal stains, saliva, sweat stains, etc., generated by these cases. The one forensic serologist now employed at the lab is hard-pressed to keep up with the present forensic serology workload. I personally conduct hair and fiber analyses while several forensic chemists conduct paint analyses and other analyses with my assistance.

The increased workload would generate enough evidence to justify a full-time forensic microanalyst to do microscopic comparisons of hair, fiber, paint and glass, etc., allowing other lab personnel (including myself) to devote time to other priority analyses. The present laboratory has only one secretary, who would surely be unable to handle additional reports, filing, etc., attendant to the work of additional professional personnel. An additional secretary should be qualified to perform double duty as a laboratory evidence technician, at least initially, if workload permits. Eventually, a full-time evidence technician will be a requirement. Many states and federal court jurisdictions have accepted procedures which allow an evidence technician to log all evidence, keep track of it in storage and package it for return shipment to each submitting agency. Unfortunately, the new rules of evidence adopted by the Montana Supreme Court, effective July 1, 1977, do not presently allow records of government agencies to be exempt from Hearsay Rule 803(8). The Department of Justice recently consulted the Commission on Evidence to urge a change of rule, and we now await the Commission's decision.

Following are minimum cost projections for the five (5) additional employees required to make the Criminal Investigation Laboratory a full service laboratory.

The lab requires a fire arm and tool mark examiner to conduct firearm and tool mark examinations. This individual should have a minimum of two years' experience, including experience as an expert court witness in this field of expertise. There is no accepted formal education requirement for this forensic specialty beyond sufficient

on-the-job training to qualify as an expert witness in court; "sufficient" could mean one to three years of training, depending on the intensity of instruction and the ability of the trainee.

1. Salary:

- a. Salary for one year, plus benefits (13%)
 $\$15,000 + \$1,950 =$ \$16,950
- b. Salary for second yr., plus benefits (10%)
 $\$16,950 + \$1,695 =$ \$18,645*

2. Equipment:

- a. Low power comparison with bullet manipulators and photomicroscopy capability (present lab microscope is of high power for use in comparing hair and fiber) \$12,000
- b. Tank to test fire bullets \$ 3,000
- c. Desk, chair, work bench, file cabinets, etc. \$ 1,200
- d. Ammunition and other supplies to test file rifles, shot guns and hand guns and examine tool marks \$ 2,000

3. Travel:

- a. \$4,000 for travel to testify in 40 cases per year at an average cost of \$100 per case, per diem and mileage (present state rate of \$28.00 per diem and \$.17 mileage) \$ 8,000

4. Space:

- a. 300 sq. ft. of space required for desk, work bench, test fire tank and storage space for ammunition and evidence 300 sq. ft. x \$8.00 per sq. ft. per year x 2yrs. \$ 4,800

FIREARMS AND TOOL MARK EXAMINER

TOTAL COST FOR TWO YEARS \$ 66,595

*10% annual adjustment in salary

The lab requires a qualified questioned document examiner with a minimum of two years' experience as an expert court witness to conduct questioned document examinations. There is no generally accepted formal education requirement for this forensic specialty beyond sufficient on-the-job training under an established questioned document examiner, again, depending on ability of trainee and intensity of training period, this could mean one to three years.

1. Salary:

- a. Salary for one year, plus benefits (13%)
\$14,000 + \$1,950 = \$ 16,950
- b. Salary second year, plus benefits (10%)
\$16,950 + \$1,695 = \$ 18,645*

2. Equipment:

- a. Low power comparison microscope with photomicroscopy capability \$ 3,500
- b. One stereomicroscope with photomicroscopy capability \$ 2,000
- c. One macro photography set up \$ 2,200
- d. Equipment for dark room for color and black and white film processing, plus enlargement of prints and negatives \$ 7,500
- e. Desk, chair, work bench, files, etc. \$ 1,200

3. Travel:

- a. Travel for 40 cases per year in which testimony is given in court at an average cost of \$100 per case for per diem and mileage x 2 yrs \$ 8,000

4. Space:

- a. 160 sq. ft. for desk, chair, work bench, files, dark room and evidence storage -
160 x \$8.00 per sq. ft. per year x 2 yrs \$ 2,560

QUESTIONED DOCUMENT EXAMINER

TOTAL COST FOR TWO YEARS -----\$ 62,555

*10% for annual adjustment in salary

The lab requires an additional forensic serologist to assist the present forensic serologist with increased workload. This individual should have a minimum of one year's experience as a forensic serologist and as an expert court witness. Minimum education requirements: B.S. in physical or natural science related to serology.

1. Salary:

- a. Salary for one year, plus benefits (13%)
\$14,000 + \$1,820 = \$ 15,820
- b. Salary, second year, plus benefits (10%)
\$15,820 + \$1,582 = \$ 17,402*

2. Equipment:

- a. Additional water bath, refrigerator, electrophoresis equipment and supplies, anti-sera, substrates and other chemicals, desk, chair, work benches, file cabinets, etc. \$ 8,200

3. Space:

- a. 150 sq. ft. for desk work bench, additional equipment, evidence storage.
150 sq. ft. x \$3.00 per year x 2 yrs \$ 2,400

4. Travel:

- a. Estimated 20 cases per year in which expert testimony is given in court at average cost of \$100 per case for per diem and mileage x 2 yrs \$ 4,000

ADDITIONAL FORENSIC SEROLOGIST

TOTAL COST FOR TWO YEARS ----- \$ 47,822

The lab requires a forensic microanalyst with minimum of one year experience in microscopic comparisons of hair, fiber, etc., in addition to experience as an expert court witness. Minimum education: B.S. degree in physical or natural sciences related to microanalysis.

*10% for annual adjustment in salary

1. Salary:

- a. Salary for one year, plus benefits (13%)
\$14,000 + \$1,820 = \$ 15,820
- b. Salary, second year, plus benefits (10%)
\$15,820 + \$1,582 = \$ 17,402*

2. Equipment:

- a. Microscope with hot stage to measure refractive index of glass and other materials. Other basic equipment now provided at lab. Requires desk, chair, work benches and file cabinets \$ 4,700

3. Space:

- a. 150 sq. ft. = 150 x \$8.00 per year x 2 yrs \$ 2,400

4. Travel:

- a. Estimated 30 cases per year in which expert testimony is given in court at average cost of \$100 per case per diem and mileage x 2 yrs \$ 6,000

ADDITIONAL FORENSIC MICROANALYST

TOTAL COST FOR TWO YEARS ----- \$ 43,322

The lab requires an additional secretary with minimum of one year experience in taking dictation, typing correspondence, filing, answering telephone, etc.

1. Salary:

- a. First year salary, plus benefits (13%) \$ 7,910
- b. Second year salary, plus benefits (10%)
\$7,910 + \$791 = \$ 8,701

2. Equipment:

- a. Desk, chair, typewriter, file cabinets, etc. \$ 2,200

3. Space:

- a. 60 sq. ft. x \$3.00 = \$480 per year 960

TOTAL COST FOR TWO YEARS ----- \$ 19,771

*10% for annual adjustment in salary

TOTAL COST OF FIVE ADDITIONAL EMPLOYEES, EQUIPMENT,
SUPPLIES, TRAVEL AND RENT FOR TWO YEARS -----\$ 240,065

The present laboratory budget for the 1977 to 1979 biennium is estimated at \$467,000 (second year of operation of DWI section of lab to be renegotiated with the Department of Institutions who are custodians of beer tax revenue which presently funds the DWI program at lab). Criminal Investigation section of the lab (controlled substances, arson, serology, hair and fiber, etc.) is \$299,315 for the biennium, which includes \$65,000 for equipment, \$103,776 for the first year of the DWI program, including \$49,206 for the purchase of 18 new field gas chromatographs to replace present gas chromatographs used to determine percentage of blood alcohol from breath samples in police and sheriff offices located throughout the state.

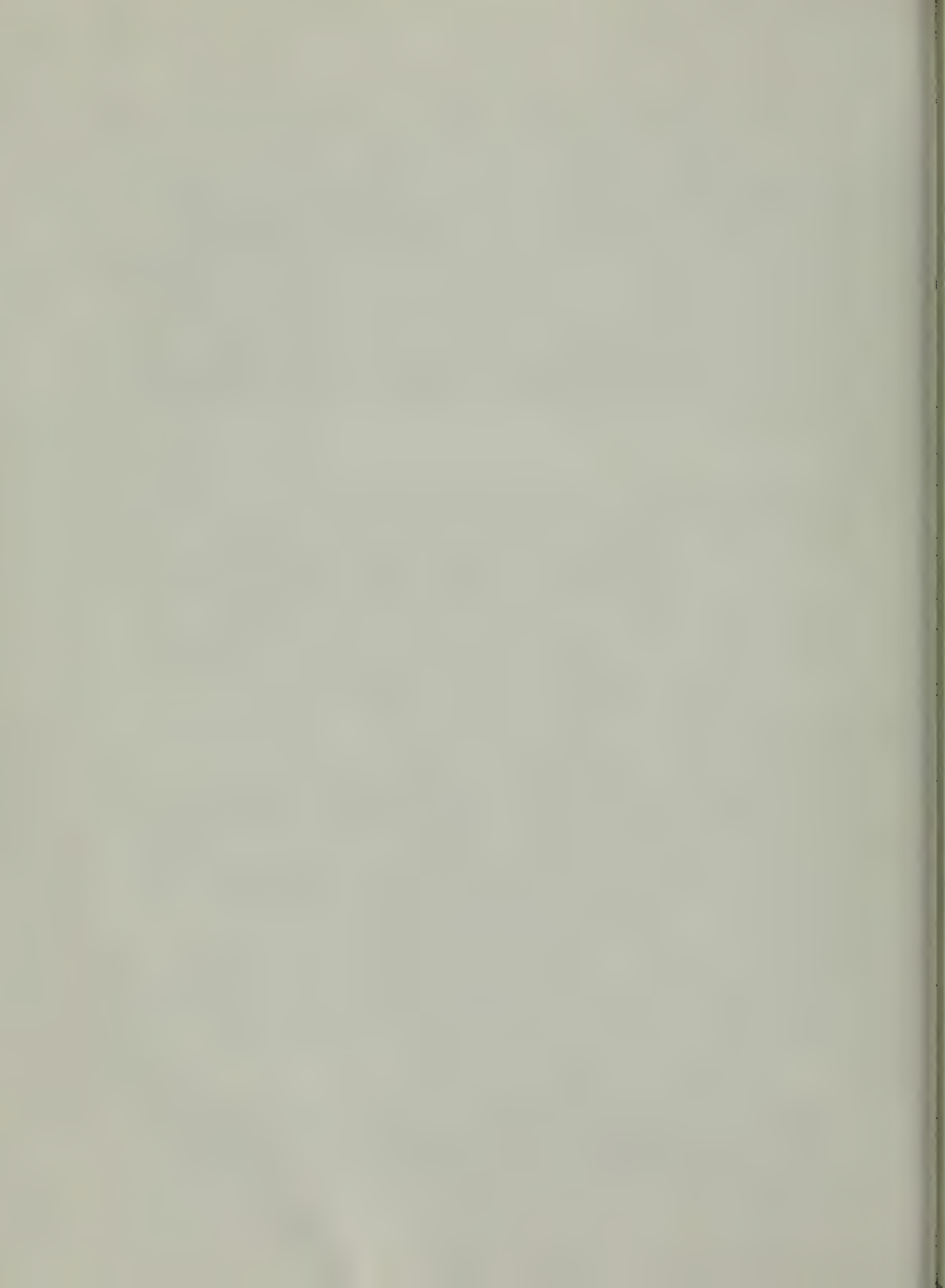
The laboratory currently occupies 1300 sq. ft. of space at a cost of \$353.00 per month, or \$4,236.00 per year. This cost includes maintenance and utilities at a cost of \$2.72 per sq. ft. The five additional employees would require a minimum of 820 additional sq. ft., which would total 2,120 sq. ft. This 2,120 sq. ft. is the absolute minimum and 3,000 sq. ft. would be much better; 4,000 sq. ft. would be ideal. The present site offers approximately 1,000 sq. ft. located across the hall, which is presently available and could probably be leased for \$4.00 per sq. ft., including utilities and maintenance. Leasing this additional space, however, would be a partial interim solution at best.

Were the Division of Forensic Science to lease new space, the expanded lab space of 2,200 sq. ft. x \$8.00 per sq. ft = \$17,600 per year; 3,000 sq. ft. x \$8.00 per sq. ft. = \$24,000 per year; 4,000 sq. ft. x \$8.00 per sq. ft. = \$32,000 per year. One can see why our present location, which is adequate but cramped is a bargain. The \$8.00 per sq. ft. is the estimated cost of lab rental space, including utilities, in the year 1980 at an estimated inflation rate of 10% per year. Present average cost is estimated at \$6.60 per sq. ft., including utilities.

New construction of a building suitable for a forensic laboratory would cost \$65.00 per sq. ft. for the basic space which would not include additional specialized plumbing and electrical outlets, etc., required by a forensic laboratory.

3,000 sq. ft. x \$65 per sq. ft. = \$195,000 (minimum)
4,000 sq. ft. x \$65 per sq. ft. = \$260,000

The estimated construction cost in 1980 is \$65 per sq. ft., while the present cost is estimated at \$45 to \$52 per sq. ft. This figure takes into consideration a 10% per year inflation factor which brings the 1980 figure to \$65.00 per sq. ft.



Additional equipment could be purchased in addition to that proposed above as a minimum cost for a full service lab facility. Such equipment is used by many existing full service crime labs throughout the country, and though it provides increased efficiency and analytical accuracy of analyses, it greatly increases the cost of the full service crime laboratory. Below is a description of some of this equipment, all of which can be operated by present laboratory personnel plus the five additional employees suggested earlier.

A gas chromatograph/mass spectrograph with a self-contained data processing minicomputer, which is the only analytical system presently available which can specifically identify drugs and other toxic organic compounds in blood or other very complex mixtures in one analysis procedure. This instrument is very sensitive and can identify 1-3 micrograms of substance per milliliter of blood, or 1-3 micrograms of drug in one gram of a complex and contaminated street drug mixture. Above analysis is available at \$75.00 per sample from the University of Utah Center for Human Toxicology.
PRESENT COST: \$100,000(+)

An automated X-ray fluorescence spectrophotometer with a self-contained minicomputer which can simultaneously analyze far over 60 metals, is non-destructive and requires little or no sample preparation. Analysis time per sample is less than five minutes. Can distinguish differences due to particulate in air etching glass, paint, etc., due to differences in environmental exposure. This instrument can distinguish differences in paint, glass, metal, etc., which are from the same batch from the manufacturer due to environmental differences. Very good for quickly comparing debris from clothing of suspect, or suspect's vehicle, etc., to debris found at crime scene. No lab offers analysis using this instrument for forensic samples on a fee per sample basis to my knowledge. The Oregon State Police Crime Lab will do samples free of charge in major cases on a special request basis, but are somewhat reluctant to do so because they are experiencing a very high workload on their instrument.
PRESENT COST: \$90,000

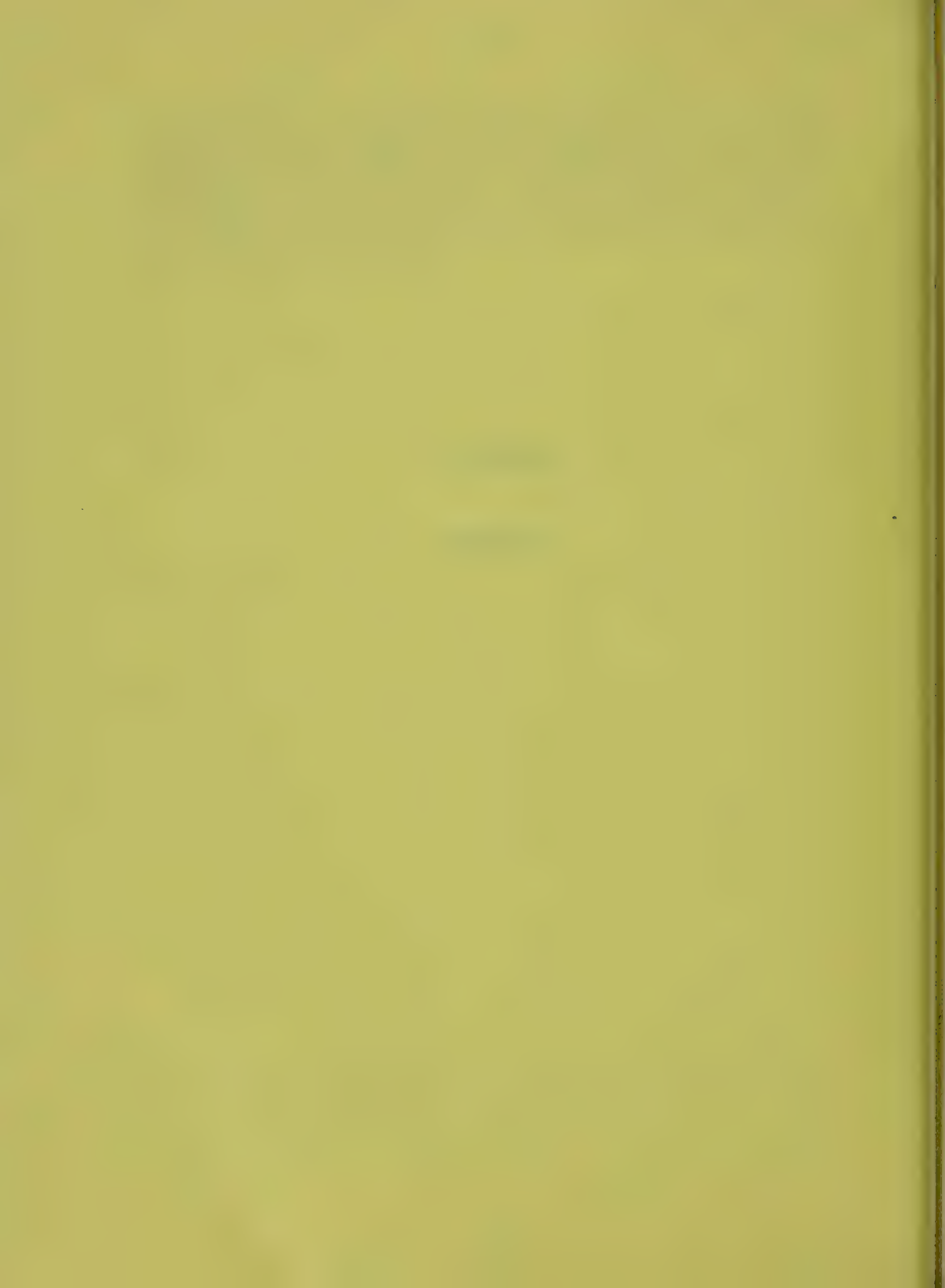
Scanning Electronic-Microscope: Very useful for identifying and comparing certain types of particles in debris from crime scene. Best technique available for identifying spherical particles from gun shot residue, according to L.E.A. research. PRESENT COST: \$60,000(+)

RIA (Radio Immuno Asay) analyses for screening drugs in urine and blood. Requires multichannel gamma counter with automatic sample holder and changer, plus small minicomputer/printer to be effective in saving time in screening large numbers of samples. The use of six drug grouping screen tests cost is \$6.00 per sample for reagents. Positive samples must be

confirmed by another analysis technique because it is not specific and has false positives occasionally. Will save considerable time compared to conventional drug screening techniques, such as thin layer chromatography, but the cost is considerably more for the reagents and equipment used. For example, fifty samples could be prepared in one hour's time and automatically run over night with the results available the next morning.

CHAPTER VI

RESEARCH



INTRODUCTION

Within the Division of Forensic Science there is to be an Office of Forensic Pathology and a Laboratory of Criminalistics Bureau. The administrator of the Division will be the State Medical Examiner (ME). The Medical Examiner will also serve as the functioning head of the Office of Pathology. There will be a bureau chief to administer the Laboratory of Criminalistics.

Associate Medical Examiners will assist the state Medical Examiner in regions to be established according to need. The Associate Medical examiners will be selected from Montana's pathologists. Under the proposed Medical Examiner system, Montana will retain the office of Coroner.

In an effort to gather information regarding the operations of a Medical Examiner/Coroner System, the Board conducted two surveys. The first utilized a questionnaire which was sent to Montana pathologists. The objective was to obtain responses regarding the viability of a Medical Examiner system as well as to determine pathologists' willingness to work in conjunction with the system. The second survey attempted to acquire information on budgets and salaries associated with other state Medical Examiners/Coroner Systems. The information obtained from these surveys is summarized in Chapter six.

Columbus Hospital
DEPARTMENT OF PATHOLOGY
Great Falls, Montana 59401

J. PFAFF, JR., M.D.
J. R. HENNEFORD, M.D.

April 5, 1978

MEMORANDUM

TO: Forensic Science Board Committee Chairmen
Fritz Behr
Mickey Nelson
Donald White

FROM: J. Pfaff, Jr., M.D.

RE: Forensic Science Questionnaire

The enclosed questionnaire was sent on April 5, 1978 to pathologists from the following locations who now perform forensic type autopsies:

Sidney
Miles City
Havre
Kalispell
Missoula
Butte
Helena
Billings
Bozeman
Lewistown
Great Falls

I hope that all will be returned by our next meeting time in April. If so, I'll have the results compiled for distribution to the board.

Enclosure

cc: Sharon Wolfe
Lonn Hoklin

STATE
OF
MONTANA
ATTORNEY GENERAL
MIKE GREELY

STATE CAPITOL, HELENA, MONTANA 59601 TELEPHONE (406) 449-2026

MEMORANDUM

DATE: 21 April 1978

TO: Montana Board of Forensic Science

FROM: Sharon Wolfe, Assistant Administrator

RE: Pathologists/Forensic Science Questionnaire

SUMMARY OF RESPONSES

There were seventeen responses from eleven areas. Each one represents at least one pathologist and in most cases, each response represents several pathologists. Without exception, pathologists expressed interest in participating.

Question No.

1.	"Yes"	-16-
	"No"	-0-
	"In limited form"	-1-
2.	Yes"	-8-
	"No"	-9-
	Deficiencies: No morgue	-5-
	No x-ray	-6-
	No photography	-3-

Comments: These components not all in one location -7-

Several mentioned that autopsies are done in mortuaries, but the x-ray facilities are in the hospital.

3.	"Yes"	-6-
	"No"	-10-

Comments: One region commented, "Yes, if arrangements can be made for use."

Refrigation available but not activated -3-

- 4. a. -5-
- b. -4-
- c. -1-
- d. Not applicable -6-
- Facilities provided by mortuaries except for histology, etc -1-

Comments: One comment, "Coroner's office pays local pathologist which is turned over to hospital. Pathologist compensated by hospital through usual contract."

One comment, "All autopsies are done in funeral homes."

One comment, explained he has no arrangements for compensation of non-hospital posts now, as few in number, but suitable arrangements can be made.

One comment, "Tissue lab only."

- 5. a. "Yes" -7-
- "No" -10-

Comments: "Never been asked"

Several regions indicated this was very infrequent.

- b. "Yes" -11-
- "No" -6-

Comments: Of two of the regions which answered, "yes," one added, "If properly trained" and one, "infrequently."

- c. "Yes" -10-
- "No" -3-
- "Not Applicable" -4-

Comments: "A lot would depend on circumstances"
"No, but would depend on case."

- 6. "Yes" -11-
- "No" -6-

Deficiencies: 1. "Body disturbed by removal of clothes and many times already embalmed."

2. "All bodies have been embalmed, very little investigation or photography, no history and body is given to funeral director first, never see weapon, clothes, etc. until the trial."

7. a. "Yes" -16-
"No" -0-
b. "Yes" -1-
"No" -15-
c. "Other preference"--One Comment, "Retainer fee to cover at the scene investigation plus for service for autopsies."

Comments: "Would cooperate with State Chief Medical Examiner in whatever he thinks best."

8. "Yes" -17-
"No" -0-

Comments: "If necessary," "With reservation," "If I approved of contract."

9. "Yes" -13-
"No" -3-

Reservations: No reservations stated -6-
Concern over possible lack of expertise -8-
Too much time required or no back up coverage -5-
Others--"Major homicide cases," "Want discretion to defer case."

10. "Yes" -17-
"No" -0-

Comments: None

11. Comments stressing support for a Medical Examiner system -5-

One region hopes to implement a forensic pathologist position.

"Updating of investigation techniques by all coroner-type personnel, especially in relation to obtaining environmental and body temperatures at the scene in all suspect cases."

"If at all possible, the best location for the crime laboratory is Bozeman. The Law Enforcement Academy is here and the university has expertise which could be used."

"Because of distances, I suspect these services would apply to all counties surrounding Custer and these counties should be expected to contribute to any facilities which would have to be established in Miles City."

"Currently the Sheriff's office has a deputy coroner trained in death site investigation who seems to be doing a competent job. They could perhaps continue in this capacity with pathologists responsible only for autopsy findings."

"I do not currently do coroner's cases but might under the ME system."

"Due to lack of training, experience, interest and time, we would be able to cooperate on a limited basis only. We are, of course, interested in improving the system in Montana and will cooperate in so far as possible."

"Would like to see a respected apolitical State Medical Examiner with first class forensic type laboratories with trained investigators, photographers, etc. Would also like Assistant Medical Examiners to cooperate as to coverage and relief when one is in need of a rest."

"Court appearances need to be better organized to eliminate wasted time spent in waiting to testify." (Concurred in by another)

"Do try to make it like Quincy!!!"

12. Several wanted their responses kept confidential. The two whose locations are made obvious in the comments under question number eleven were not among these so I did not endeavor to omit the location.

FORENSIC SCIENCE QUESTIONNAIRE

Please discuss the following questions with your associate or whomever you depend on for call coverage. Complete and return promptly. Thank you.

J. Pfaff, Jr., M.D.

1. Would you be willing to perform forensic autopsies in your area assuming they are authorized by competent law enforcement personnel and under circumstances wherein you could obtain assistance from a board certified forensic pathologist (State Chief Medical Examiner) at any time requested?

Yes _____

No _____ If your answer is no, you need not complete the remainder of this questionnaire.

2. Do you now have adequate morgue facilities including x-ray and photography at your disposal?

Yes _____

No _____ If no, list deficiencies _____

3. Do you now have adequate refrigeration facilities at your disposal to hold bodies for several days without embalming pending your examination?

Yes _____

No _____

4. If your facilities are provided by a hospital, what arrangements are made to compensate the hospital?

- a) No compensation _____
- b) Pathologist compensates directly or indirectly _____
- c) County compensates _____
- d) Other _____

5. Do you now go to the scene of a crime or request of law enforcement personnel to aid in scene investigation?

Yes _____

No _____

Would you be willing to go on suspect major homicide cases if requested?

Yes _____

No _____

Would you expect to be paid for this service in addition to your usual fee for performing the autopsy?

Yes _____

No _____

6. Do you now have a competent cooperative coroner or other scene death investigative officer who you can rely on to obtain known circumstances concerning the case, to photograph the scene and to protect the body from being disturbed by removal of clothing and embalming prior to your examination?

Yes _____

No _____ If no, please list your deficiencies _____

7. Would you be willing to accept remuneration for your services on the basis of:

- a) Fee for each case based on its complexity and established by a State Chief Medical Examiner as appropriate?

Yes _____

No _____

- b) An annual retainer fee based on anticipated average case load and irrespective of number of cases performed?

Yes _____

No _____

- c) List any other preference

8. Would you sign specific contractual arrangements as an Assistant Medical Examiner for whomever you are to serve?

Yes _____

No _____

9. If appointed an Assistant Medical Examiner would you be willing to accept and examine all cases when requested by authorized law enforcement personnel?

Yes _____

No _____

If you have reservations, please state them: _____

10. If forensic science training were offered by the State Chief Medical Examiner at reasonable intervals would you avail yourself of such education?

Yes _____

No _____

11. Please list any other comments you have which seem pertinent to this questionnaire or to the operation of an adequate death investigative system for forensic cases.

12. Do you wish this communication kept confidential?

Yes _____

No _____

It is not important that you sign the questionnaire, but I do need to know your general location.

(Name) (Location)

The following survey was sent to thirteen states which presently operate under a Medical Examiner/Coroner System. The survey was requested by the Personnel Resources Committee. Of the thirteen states surveyed, eleven responded. Those responding were: Arizona (Pima and Maricopa County), Arkansas, Florida, Georgia, Kentucky, Mississippi, Oklahoma, Oregon, Tennessee, and Utah. Connecticut and North Carolina did not respond. Two of the eleven responding states, Mississippi and Florida, were not included in the following summary chart because the information, although very useful, was not compatible with the remaining nine states. This information appears in full following the form letter sent to the states requesting information related to death investigations. Please note that the information received through this survey played an important role in the review of budgetary and personnel needs for Montana's Division of Forensic Science.

STATE
OF
MONTANA
ATTORNEY GENERAL
MIKE GREELY

STATE CAPITOL, HELENA, MONTANA 59601 TELEPHONE (406) 449-2026

13 September, 1978

Re: Death Investigation

Dear Sir (or Madam):

The State of Montana, through the recently appointed Montana Board of Forensic Science, is in the process of implementing statutes to make operational the Division of Forensic Science under the Department of Justice.

The chairman of the personnel resources committee of this Board has asked me to write to selected states regarding pertinent financial data. The Board must testify to the 1979 Montana Legislature in an effort to obtain funding for the Division and must establish a basis for its requests.

Would you please ask someone on your staff to supply us the following information? If this letter is incorrectly addressed, please forward it to the proper office.

1. The total annual forensic budget for the state.
2. The annual salary for your chief medical examiner.
3. The annual salary or other forms of remuneration for any associate medical examiners (pathologists).
4. The approximate, average salary or other form of remuneration for coroners.
5. The annual salary for the director of the criminalistics laboratory.

Any information you can supply will be greatly appreciated. If we may reciprocate in any manner, please be sure to contact us.

Thank you for your response.

Very truly yours

M. SHARON WOLFE
Assistant Administrator
Montana Board of Forensic Science

cc: Board Chairman, John Pfaff, Jr.
Committee Chairman, Coroner Mickey Nelson

Mississippi Classification Commission

816 ROBERT E. LEE BUILDING
JACKSON, MISSISSIPPI 39201

October 17, 1978

COMMISSIONERS

THOMAS L. BROOKS, TUPELO
RICHARD B. COPELAND, JACKSON
WILLIAM S. GUY, McCOMB
R. G. (BUNKY) HUGGINS, GREENWOOD
CARROLL H. KENNEDY, BRANDON
JAMES D. NUNNALLY, RIPLEY
JOHN H. WALDROP, NEW ALBANY
GEORGE M. YARBROUGH, RED BANKS

GUY GROFF, JR.
EXECUTIVE DIRECTOR

Ms. M. Sharon Wolfe, Assistant Administrator
Montana Board of Forensic Science
State Capitol
Helena, Montana 59601

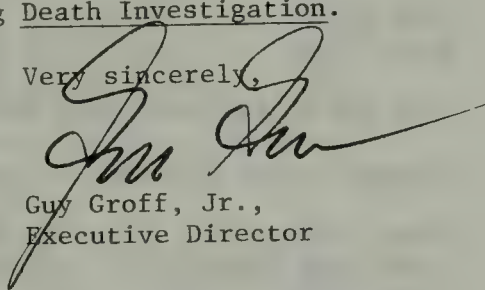
Dear Ms. Wolfe:

The State of Mississippi has a Crime Lab established under the Department of Public Safety. The total annual forensic budget for this Crime Lab is \$815,623. It is supervised by a Director, Crime Lab, who is presently being paid \$26,340 annually. This director possesses a Ph.D. in toxicology.

We are unable to furnish you with information concerning the pathologists, coroners, and medical examiners salaries due to these not coming under the jurisdiction of the Mississippi Classification Commission.

We would be interested to receive a synopsis of the data you are able to collect concerning Death Investigation.

Very sincerely,


Guy Groff, Jr.,
Executive Director

GG, Jr./AC/b

Montana Board of Forensic Science

October 26, 1978

Florida reply to questionnaire of September 13, 1978.

Telephone call from Paul Bryant, Budget Office of the Executive Branch (904) 488-8613

His information obtained from Bill Braatz, (904) 487-2947.

Florida has a Medical Examiner Commission. It does not have a single Chief Medical Examiner. This commission consists of:

- Two pathologists;
- The Attorney General;
- One States Attorney;
- The Director of the Department of Criminal Law Enforcement;
- One Funeral Director.

The Medical Examiner is considered a local government function.

The state government contributes 1.4 million per year for allocation to ME districts, on a population basis; local governments, 5.3 million.

There are twenty-two judicial circuits. Two with low populations are combined to form one ME district. This makes a total of twenty-one ME districts, each with an ME.

The Associate ME's are allowed by statute to have a private practice.

The ME salaries vary but the state-wide average is \$60,000.

There is no office of coroner.

Some districts have their own investigators, some use those with the Sheriffs' offices; some have their own photography, some have their own autopsy facilities, some must pay transportation of body costs and some have funeral directors who absorb these costs.

There is no one director of the criminalistics laboratory. There is a bureau of crime laboratories with two major crime labs and three associate labs. The bureau chief, who is in a personnel classification position, can be paid from \$20,692 to \$28,063, depending on experience and longevity.

Sharon Wolfe
Assistant Administrator

STATE OR COUNTY	TOTAL FORENSIC BUDGET	CHIEF MEDICAL EXAMINER SALARY (ANNUAL)	ASSOC. OR DEPUTY MEDICAL EXAMINER (PATHOLOGIST, UNLESS OTHERWISE SPECIFIED) (ANNUAL)	LAB DIRECTOR SALARY (ANNUAL)	PRESENCE OF CORONER SALARY OR FEE	POP. OF STATE OR COUNTY	CASELOAD OF MEDICAL EXAMINER
OREGON	\$652,920	\$111,072	\$95,952 \$30,000 ³	\$58,048	INFO. NOT AVAILABLE	SQU. MILES 2,284,335	CASELOAD OF CRIME LAB ⁴ 4,271 cases per year ⁴
TENNESSEE	\$282,679	\$90,000 ⁵	\$15,400	\$19,632 to \$28,440	YES	96,184	INFO. NOT AVAILABLE
PIMA COUNTY ARIZONA	\$218,000	\$77,000 ⁷	INFO. NOT AVAILABLE	INFO. NOT AVAILABLE	SALARIES ⁶ NO	4,174,000	INFO. NOT AVAILABLE
MARICOPA COUNTY ARIZONA	\$447,734	\$65,853	\$58,614	\$35,963	NOT APPLICABLE NO	1,221,414	INFO. NOT AVAILABLE
NEW MEXICO	\$763,300	\$63,200	\$41,000	INFO. NOT AVAILABLE	NOT APPLICABLE	9,155	AVERAGE 9 AUTOPSIES PER DAY 7 DAYS A WEEK
MONTANA	\$219,506 REQUESTED FY 1980	\$60,000 REQUESTED FY 1980	NONE	\$17,500 REQUESTED FY 1980 Jan thru July only	INFO. NOT AVAILABLE YES	1,143,827	INFO. NOT AVAILABLE
GEORGIA	\$2,000,000	\$50,000 to \$60,000	\$250 per case to \$60,000 a year ¹¹	\$35,000	\$5.00 per case	121,412	782 ¹⁰
OKLAHOMA	\$1,021,084 ¹⁴ (Med. Exam. only)	\$54,400	\$48,900 ¹⁵ \$47,400 ¹⁶ \$45,000 ¹⁷	INFO. NOT AVAILABLE	YES \$25.00 per case ¹² NO ¹⁸	4,931,083 58,073	2,000 cases per year ¹³ 38,000
UTAH	\$455,700	\$53,000	\$49,500 ²⁰ \$200 per autopsy ²¹ \$50 per child autopsy	\$25,000	INFO. NOT AVAILABLE	2,711,263	1,000 + autopsies per year ¹⁹
ARKANSAS	\$765,493	\$46,012	\$42,132	\$22,194	YES FEE OR SALARY ²³	68,782	INFO. NOT AVAILABLE
KENTUCKY	\$259,497	\$34,133	\$2,000 annually plus \$200 per autopsy ²⁴	\$22,000	YES	1,202,672	1,644 cases per year ²²
					\$150 per mo. (avg)	82,096	INFO. NOT AVAILABLE
						2,106,793	400-500 autopsies per year
						51,945	INFO. NOT AVAILABLE
						3,387,860	834 autopsies per year ²⁵
						39,650	INFO. NOT AVAILABLE

FOOTNOTES

- 1 Many states do not have one central crime lab but utilize regional crime labs. In some instances, the state labs are augmented by federal and university facilities. Because of this fragmentation, accurate figures were not available.
- 2 Deputy State Medical Examiner (ME)
- 3 Deputy Medical Examiners (not pathologists)
- 4 Represents both autopsies and investigations. Of the 4,271 Medical Examiner cases in 1977, 1,071 or 25% required autopsies (total deaths = 20,549). The following figures represent the percentage of Medical Examiner cases resulting in an autopsy for the period 1968-1976:

1968 - 26.8%	1972 - 25%	1976 - 26.8%
1969 - 23.7%	1973 - 24.9%	
1970 - 23.7%	1974 - 23.9%	
1971 - 25.7%	1975 - 24.9%	
- 5 Salary for the Davidson County Medical Examiner (Forensic Pathologist)
- 6 Most counties have licensed physicians serving as "coroners". Their salary is dependent on county population.
- 7 Chief Medical Examiner has a contract with Pima County to provide his services as well as those of other pathologists as needed for the total sum of \$77,000.
- 8 Number of cases incurring administrative costs, both autopsies and investigations. Approximately 2 out of 3 Medical Examiner cases result in autopsies.
- 9 Deaths resulting in an autopsy or investigation.
- 10 Deaths in Montana (1977) due to accidents, poisoning, and violence (deaths correspond to International List Numbers 800-999, International Classification of Diseases). Total deaths for Montana (1977) was 6,397.
- 11 Associate Medical Examiners are paid by county, not state. Salaries based on population.
- 12 Coroner paid by county
- 13 Death investigations by the Medical Examiner comprise 5% or less of the total workload of the crime lab.
- 14 Budget for the office of Chief Medical Examiner. Does not include laboratory.

- 15 Associate Chief Medical Examiner
- 16 Assistant Chief Medical Examiner
- 17 Forensic Pathologist
- 18 Physicians serve as Medical Examiners in counties. They are paid \$25 per case.
- 19 Pathologists receive \$250 per autopsy. Death scene investigations (Licensed physician - not a pathologist) receive \$25 per case.
- 20 Assistant Medical Examiner (Full-Time). The per case fee for Deputy Medical Examiners in outlying areas for an external exam and signing the death certificate is \$25.
- 21 Designated pathologists doing Medical Examiners cases in their own hospitals.
- 22 Total deaths in Utah for Fiscal Year 1978 was 8,056. The following is a break down of the Medical Examiners case load (1,644):
- 528 autopsies;
500 "terminated cases" - cases reported to the Medical Examiner and investigations conducted but referred back to private physicians for certification;
616 external investigations.
- 23 Salary or fee is determined by each county quorum court. Highest salary is \$10,000 per year. Fees are nominal.
- 24 District Medical Examiner's (pathologists) are employed by the State through a contract arrangement.
- 25 Coroners are paid according to the population of the county in which they have jurisdiction.

Information compiled during November, 1978. The data was received directly from the surveyed States. Budgets, salaries, and caseload figures are for Fiscal Year 1978 unless otherwise indicated.



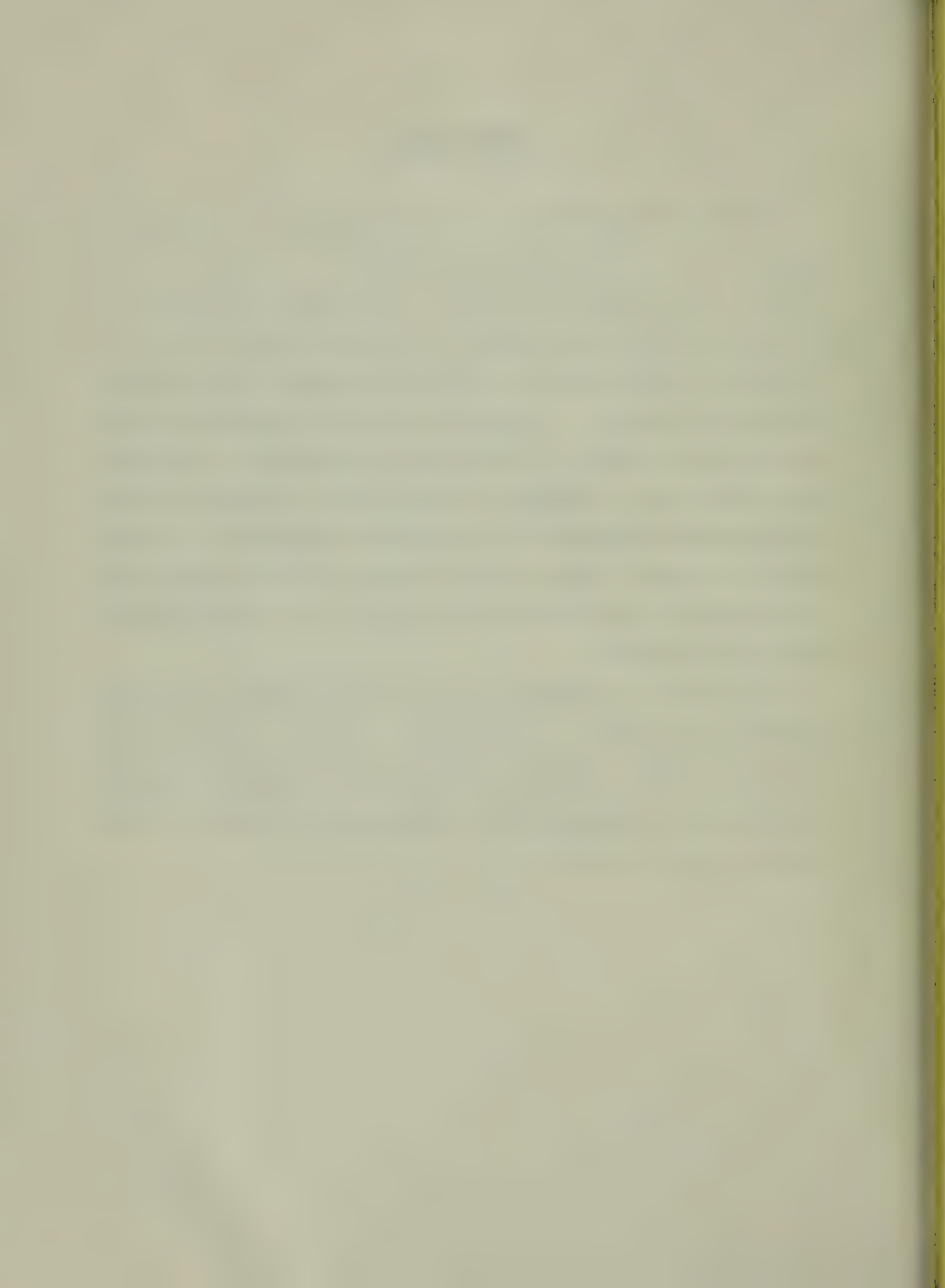
CHAPTER VII

MEMORANDA AND CORRESPONDENCE

INTRODUCTION

The Board resolved at its initial meeting to establish committees to deal with various areas of concern. Four distinct committees were formed. The Basic Operations and Planning Committee was formed to concentrate on rules, regulations and administrative matters surrounding the Division of Forensic Science. To handle fiscal and contractual needs for the Board itself, the Chairman established a Coordinating Committee. Personnel standards and selection for the Division were assigned to the Personnel Committee. A final area of concern, that of establishing physical plant needs and selecting a site for the Division, fell to the Physical Resources Committee.

The following chapter contains memoranda and correspondence detailing the Committees' actions toward their stated objectives. The final section of the chapter contains miscellaneous memoranda and correspondence relevant to the Board's overall actions.



BASIC OPERATIONS
AND
PLANNING COMMITTEE



1 February, 1978

Captain Robert J. Griffith
Montana Highway Patrol
1014 National Avenue
Helena, Montana 59601

Re: Basic Operations and Planning Committee
Montana Board of Forensic Science

Dear Captain Griffith;

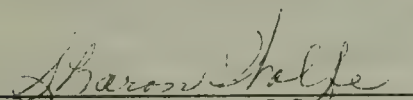
Enclosed please find a computer print-out of all statutes which contain the word "Coroner". This does not include Title 16, Chapter 34 (County Coroner) or Chapter 24 (County Officers-Qualifications), R.C.M. 1947.

Because of time and cost involved in providing each committee member with a photostatic copy of every statute listed, I am sending each one a copy of the print-out so that they may look up the statutes themselves. There will be a set of the codes at the morning committee meeting on February 22 so the committee can go over them together.

Hope this is of some help.

Very truly yours,

MIKE GREELY
Attorney General

By 
M. Sharon Wolfe
Research Assistant

Enc.

MEMORANDUM

DATE: April 25, 1978

TO: Dr. John Pfaff, Chairman, Montana Board of Forensic Science

FROM: Sharon Wolfe, Research Assistant to the Board

RE: H.B. 461

Pursuant to your request of this date, the following notes should make clear the mandates to the Board regarding the setting of rules and regulations to make the forensic science center functional and should clarify what steps can be taken without the necessity of amending the present legislation.

Let me assure you of the full cooperation of the Attorney General and the staff in implementing the Board's decisions. Any rules and regulations made by the Board which might later be found to require amendments to H.B. 461 could be put into amendment form by the staff and presented to the Board for its approval. Most items can be accomplished by rules and regulations--some to be made by the Board but many will probably have to be made by the ME and the lab director when the forensic facility is in operation. Logically, the fewer amendments during this session of the legislature, the better the chance of obtaining funding.

The following portions of H.B. 641 are especially pertinent:

* Page 2, §3(2), line 3 - The State ME shall be appointed by the Board (his qualifications are already set forth).

Comment: This cannot be done until funding is acquired.

Page 4, §7(1), line 2 - Establish laboratory of criminalistics.

Comment: This is already operational.

*Page 4, §7(2), line 3 - Appoint a state ME and provide procedures for employing necessary personnel;

*Page 4, §7(3), line 6 - Establish policy and set procedures for functioning of division;

Comment: Most of this could be left to the ME and lab director.

*Page 4, §8, line 8 - Board authorized to adopt rules to accomplish purposes of this act;

Page 4, §9(1), line 11 - Board ceases to exist after two years.

Comment: The intent must have been to provide time after funding is obtained to fulfill mandates to the Board.

Page 4, §9(2), line 16 - Attorney General authorized to employ personnel necessary to conduct affairs of division;

Page 5, §10(5), (6) & (7), line 6 - Duties of ME to include appointing director of lab, AME's and, if necessary, administrative assistant.

Comment: No Board action appears to be necessary.

Page 5, §11(1), line 14 - AME qualifications set.

Page 5, §11(2), line 18 - ME to set compensation for AME's.

Comment: No Board action necessary.

Page 6, §13(1), line 19 - Lab director responsible to ME.

*Page 6, §13(2), line 21 - Lab director to appoint personnel for lab.

Comment: Perhaps the Board only needs to determine the amount of money needed for additional personnel, or this could be asked for in the future through Department of Justice budgeting in order to increase the chances of obtaining initial funding now. In any event, no amendments would be needed.

*Page 7, §15(1) through (4) as deleted, line 9 - Should this be reinstated? If so, could probably be done by regulatory procedures. There may be other portions of H.B. 461 which should be reinstated.

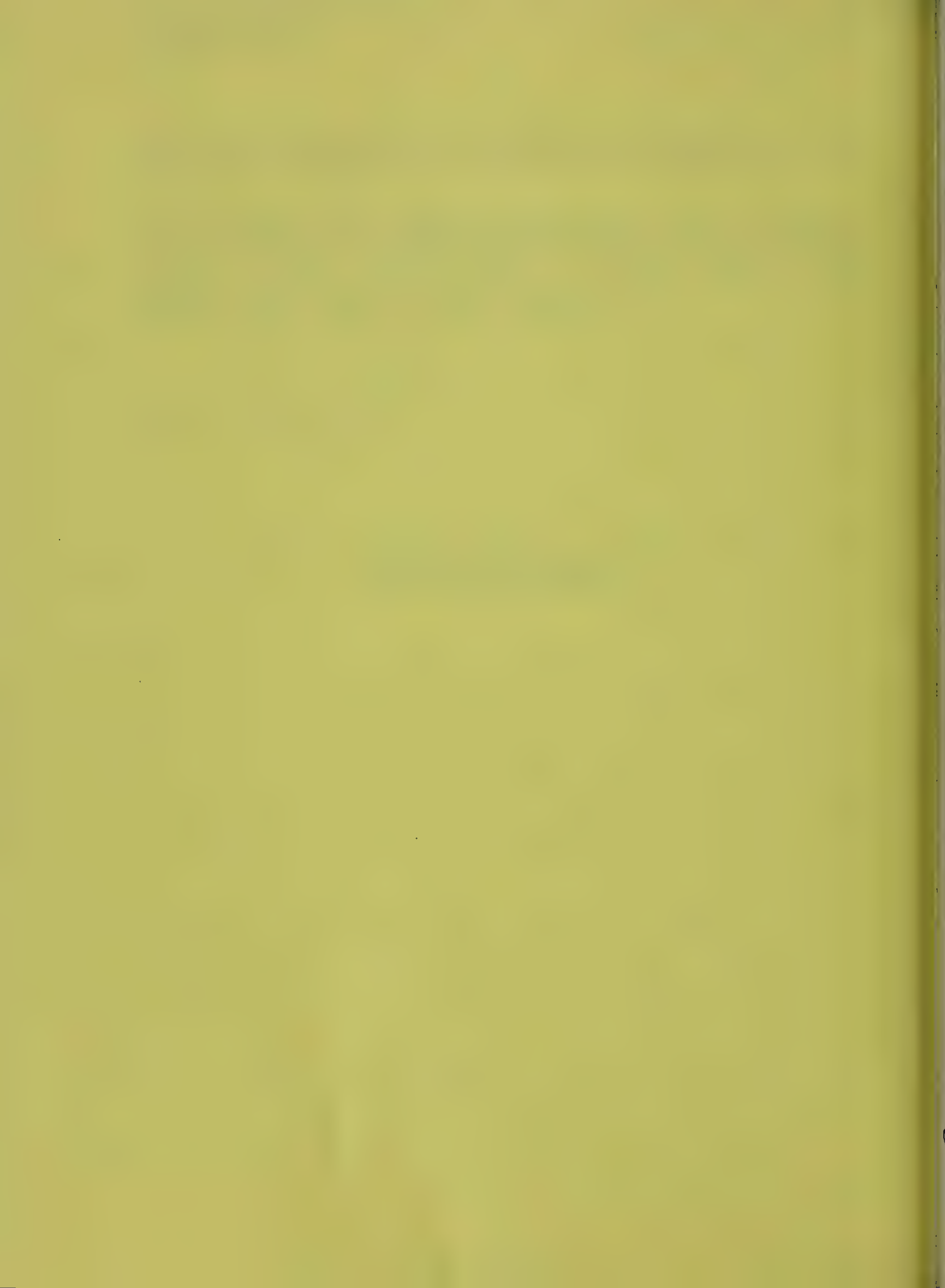
Designating the location cannot be made final until funding is obtained.

H.B. 461 contains many basic operational procedures so that the ones remaining might even be done by regulations after funding is obtained.

It seems that some of the most important areas of endeavor are to determine the amount of money needed, locate possible funding and garner public support for funding. The concept of the forensic system and its need has already been accepted more than once by the legislature. It is the funding that has historically defeated it.

*Board action necessary

COORDINATING COMMITTEE



STATE
OF
MONTANA
ATTORNEY GENERAL
MIKE GREELY

STATE CAPITOL, HELENA, MONTANA 59601 TELEPHONE (406) 441-3076

28 September, 1978

Mr. Don Crabbe, Chief
Grant Administration Bureau
Montana Board of Crime Control
1336 Helena Avenue
Helena, Montana 59601

RE: Sole-source contract

Dear Don:

The Montana Board of Forensic Science requests permission to allocate up to \$5,000 of its funds to retain Crossman, Whitney and Griffin Architects as a consultant through a sole-source contract. The following considerations lead to this request:

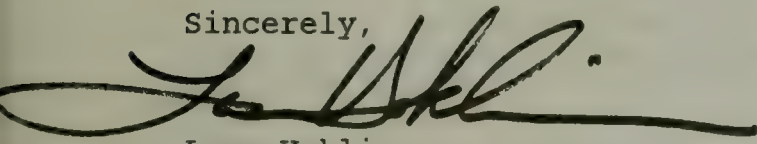
1. The Board requires consultational assistance in evaluating proposals for siting the Division of Forensic Science.
2. Crossman, Whitney and Griffin provided an initial Forensic Laboratory design to the Governor's Crime Commission, and has experience in this highly specialized field.
3. The Board wishes to avail itself not only of this particular firm's knowledge and experience, but also of the cost savings inherent in the firm's existing records and drawings. Another firm would be "starting from scratch," and would necessarily cost more.

Enclosed is a contract draft.

Thank you for your attention to this request.

With best wishes, I am

Sincerely,



Lonn Hoklin
Administrator
Montana Board of Forensic Science



BOARD OF CRIME CONTROL

1336 HELENA AVENUE

HELENA, MONTANA 59601

TELEPHONE NO. 449-3604

September 29, 1978

IN REPLY REFER TO

Lonk Hoklin
Administrator
Montana Board of Forensic Science
State Capitol
Helena, Montana 59601

Re: Grant #78-64650

Dear Lonk:

In response to your letter of September 28, 1978, requesting sole-source procurement, your request to retain Crossman, Whitney and Griffin Architects as a consultant is authorized and approved in the amount not to exceed \$5,000.00.

If I can be of further assistance please contact me.

Sincerely,

BOARD OF CRIME CONTROL

A handwritten signature in cursive script, appearing to read "Don A. Crabbe", is written over the typed name.

Don A. Crabbe, Chief
Bureau of Grant Administration

DAC:NT:pmw

29 September 1978

Mr. Don Crabbe, Chief
Grant Administration Bureau
Montana Board of Crime Control
1336 Helena Avenue
Helena, Montana 59601

Dear Don:

The Montana Board of Forensic Science has found that its needs are different than reflected in the budget outlined in its subgrant request. Because the Board has relied more on in-house research and expertise than originally anticipated, it has had little need to travel, or to pay for travel by outside consultants. Similarly, the Board has come to rely more strongly than envisioned on consultants in the selection of a site for the Division of Forensic Science, and in drafting rules and regulations as required by the Montana Forensic Science System Act.

Another area of unforeseen need is personnel. In its initial subgrant budget projection, the Board designated no funds whatever for personnel inasmuch as the Attorney General had graciously offered his own executive staff resources, at no expense to the Board, toward meeting staff needs. We have found, however, that the Board requires additional staff assistance in production of its report to the 1979 Legislature, and that the need is both immediate and highly specialized. To be specific, the Board requires the temporary, full-time help of a staff person who possesses working knowledge of the Department of Justice and the law enforcement constituencies it serves; that person must be available immediately to begin work on the publication of the report in order to ensure completion prior to the beginning of the 1979 legislative session; that person must have writing and editorial skills.

To account for these considerations, the Board proposes and seeks permission to incorporate the following modifications into its budget:

Mr. Don Crabbe, Chief
29 September 1978
Page 2

1. Transfer \$3,000 from Travel and Per Diem into Personnel.

A.) Explanation: The Board has identified an individual who meets the requirements outlined earlier for the position of Publication Assistant. The Board wishes to retain him through the Central Services Division of the Department of Justice, reimbursing the Department of Justice for his monthly compensation from the Board's funds in Personnel. The cost to the Board would be \$600 monthly for three months (until the beginning of the legislative session in January). The total cost would be \$1,800 (\$600 x three months = \$1,800), leaving a balance of \$1,200 in Personnel for allocation to other staff needs throughout the Board's term. Though these "other" needs are not precisely foreseeable, we anticipate that the Board may require additional secretarial help in soliciting and processing applications for positions within the new Division of Forensic Science; this need, of course, is contingent upon the Legislature's action on the Board's recommendations.

2. Transfer \$1,135 from Travel and Per Diem into Consultant Services.

A) Explanation:

i. As my 28 September 1978 letter to you stated, the Board wishes to retain an architectural consultant to assist in the evaluation of proposals for the physical siting of the Division of Forensic Science. The Board placed a limitation of \$5,000 on compensation to the consultant. Having been previously unaware of actual costs of such professional consultations, the Board allocated only \$4,665 to Consultant Services, or \$335 less than the total maximum obligation to the architectural consultant.


ii. The Board wishes to retain a paralegal consultant to prepare draft rules and regulations as required by law. We project that the specified work will consume not more than forty hours at a cost of \$20 per hour. Total maximum cost of the paralegal consultant would be \$800.

iii. $\$800 + \$335 = \$1,135$.

Thank you, Don, for your attention to these concerns.

With best personal wishes, I am,

Sincerely,


LONN HOKLIN, Administrator
Board of Forensic Science



BOARD OF CRIME CONTROL

1336 HELENA AVENUE

HELENA, MONTANA 59601

TELEPHONE NO. 449-3604

October 5, 1978

IN REPLY REFER TO

Lonn Hoklin, Administrator
Board of Forensic Science
Capitol Building
Helena, Montana 59601

RE: Grant #78-64650

Dear Lonn:

In response to your letter of September 29, 1978, requesting permission to incorporate the following budget modification.

1. Transfer \$3,000 from Travel and Per Diem into personnel for Publication Assistant, and;
2. Transfer \$1,135 from Travel and Per Diem into Consultant Services for Architectural and Para Legal Consultant Services.

Your request is authorized and approved by this office.

If I can be of any further assistance please contact me.

Sincerely,

BOARD OF CRIME CONTROL

A handwritten signature in cursive script, likely of Don Crabbe, is written over the typed name.

Don Crabbe, Chief
Bureau of Grant Administration

By: Norm Thompson

DAC:NT:pmw

2 October 1978

Mr. Don Crabbe, Chief
Grant Administration Bureau
Montana Board of Crime Control
1336 Helena Avenue
Helena, Montana 59601

Dear Don:

On behalf of the Montana Board of Forensic Science, I request approval to enter into the following sole-source contracts:

1. To retain Tom D. Hoff in the position of Publications Assistant.

A.) Need:

As specified in the subgrant narrative, the Board must produce a comprehensive report to the 1979 Legislature, incorporating its recommendations, abstracts of its deliberations and a request for funding. Because the Board's actions thus far have generated a much greater volume of written material than we envisioned at the outset, the present staff cannot hope to produce a comprehensive, well organized and analytical report in the short time remaining. The Board requires skilled, full-time services to accomplish this task, services that are immediately available.

In addition to editing and writing skills, the Publications Assistant must have a working familiarity with the Department of Justice, its mission and the constituencies it serves. The Division of Forensic Science, after all, will be a part of the Department, and will work closely with the law enforcement agencies within the Department (especially those of the Law Enforcement Services Division). The Publications Assistant must be able to analyze and verbalize the Board's actions and views within the context of law

Mr. Don Crabbe, Chief
2 October 1978
Page 2

enforcement structure and needs at both the state and local levels. He or she must be knowledgeable of the various interests and concerns of each constituency within the criminal justice community.

As one can readily see, the Board's needs in this matter are highly specialized. Little time remains to set in motion the effort required to meet those needs.

B.) Method:

The Attorney General has offered to retain an individual to provide the services described above. Pending approval by MBCC, the Attorney General would enter into a sole-source contract through the Central Services Division, Department of Justice, with such an individual. The Attorney General would then assign to the contractor the full-time duties of Publications Assistant to the Board of Forensic Science (outlined in the contract). The Central Services Division would compensate the contractor at the rate of \$600 per month (according to the provisions of the contract) for a period of three months. The Board of Forensic Science would then reimburse the Central Services Division from its Personnel account according to the 27 September 1978 resolution of the Coordinating Committee of the Board of Forensic Science.

We have found a person who meets the qualifications specified above: Tom D. Hoff has a master's degree in criminal justice administration; for the past three months he has worked for Fritz O. Behr, Administrator, Law Enforcement Services Division, Department of Justice, on a wide range of projects. His status with LESD was contracted services and his work projects brought him into close contact with every bureau in the Division. Mr. Hoff possesses excellent skills in writing and editing. My interview with him on 29 September 1978 verified his understanding of the criminal justice system and the operating procedures employed by the Department of Justice.

Equally important, Mr. Hoff is available immediately to begin work on the Report of the Montana Board of Forensic Science, and is willing to execute a contract for his services for a term beginning 2 October 1978 and ending 31 December 1978. The contract will, pending MBCC approval, specify that the Administrator of the Board of Forensic Science will directly supervise Mr. Hoff.

2. To retain Sharon Wolfe as a paralegal consultant to prepare draft rules and regulations in accordance with the law.

A. Need:

H.B. 461, Montana Forensic Science System Act, provided that the Board of Forensic Science issue rules and regulations governing the operation of the Division of Forensic Science. The Board requires drafts which reflect past actions and intent as contained in its numbered resolutions. The Board -- upon receiving these draft rules and regulations -- will evaluate them, make whatever changes it deems appropriate, and incorporate them into its Report of the Montana Board of Forensic Science. The Board will also decide whether and when to promulgate the rules and regulations in accordance with its statutory authority.

The Board requires experienced paralegal assistance in this important undertaking. The paralegal consultant must have an intimate understanding of the Board's intent and rationale in connection with the resolutions it has enacted thus far. A paralegal consultant lacking this understanding would be hard-pressed to provide draft rules and regulations prior to the forthcoming legislative session. Moreover, the consultant must be immediately available.

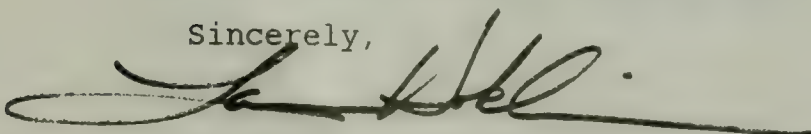
B.) Method:

The Board's Assistant Administrator, Ms. Sharon Wolfe, is an experienced paralegal who is skilled in the Administrative Code. Her background with the Board of Forensic Science qualifies her uniquely to produce draft rules and regulations reflecting the Board's intent. Ms. Wolfe, pending approval by MBCC, has agreed to begin work on her off-hours from her position in the Attorney General's office. I have estimated that such drafting will consume not more than forty hours at a cost to the Board of not more than \$800. The probability is extremely low that the Board could find another paralegal consultant with Ms. Wolfe's qualifications and immediate availability. She is prepared to execute a sole-source contract for a term beginning 2 October 1978 and ending 31 December 1978.

Thank you, Don, for your attention to these important matters.

With best personal wishes, I am

Sincerely,

A handwritten signature in dark ink, appearing to read "Lon Hokin", with a long horizontal flourish extending to the left.

LONN HOKLIN, Administrator
Montana Board of Forensic Science



BOARD OF CRIME CONTROL

1336 HELENA AVENUE

HELENA, MONTANA 59601

TELEPHONE NO. 449-3604

October 5, 1978

IN REPLY REFER TO

Lonn Hoklin, Administrator
Board of Forensic Science
Capitol Building
Helena, Montana 59601

Dear Lonn:

Your request of October 2, 1978, to enter into sole-source procurement contract with Mr. Tom D. Hoff as Publications Assistant and Mrs. Sharon Wolfe as Paralegal Consultant is authorized and approved by this office.

If I can be of any further assistance please contact me.

Thank you.

Sincerely,

BOARD OF CRIME CONTROL

Don A. Crabbe
Don A. Crabbe, Chief
Bureau of Grant Administration

By: Norm Thompson

DAC:NT:pmw

23 October, 1978

Mr. Robert Kuchenbrod, Administrator
Central Services Division
Department of Justice
Helena, Montana 59601

Dear Bob:

Ms. Sharon Wolfe has consented to draft rules and regulations pursuant to the Montana Forensic Science System Act, as requested by the Montana Board of Forensic Science.

The Attorney General has agreed to compensate Ms. Wolfe on the basis of overtime hours recorded on this project as provided by law; overtime payment is \$10.46.

In accordance with instructions from Dr. John Pfaff, Chairman of the Board of Forensic Science, and from the Coordinating Committee of the Board, I hereby agree on behalf of the Board to reimburse the Department of Justice from the Board's funds for overtime compensation paid to Ms. Wolfe.

Thank you, Bob, for your attention to this matter.

With best personal wishes, I am

Sincerely,



LONN HOKLIN
Administrator
Montana Board of Forensic Science

STATE
OF
MONTANA
ATTORNEY GENERAL
MIKE GREELY

STATE CAPITAL BUILDING, MONTANA 59603 TELEPHONE (406) 455-3000

MEMORANDUM

29 November 1978

TO: The Montana Board of Forensic Science

FROM: The Coordinating Committee

RE: Secretarial Assistance for Publication of Board's Report

On 20 November 1978, each member of the coordinating Committee was contacted by Sharon Wolfe, Assistant Administrator to the Board, regarding the necessity for secretarial assistance in publishing the Report of the Board. One of the legal secretaries on the Attorney General's staff, Ms. Karen Fred, is willing to work on her own time to type the drafts of the publication and to make any necessary revisions on mag cards. Her overtime hourly rate is \$7.21. Our approval was given by telephone and is confirmed by our signatures affixed below.

Since that time, the need for additional secretarial help has arisen in that Ms. Fred has not been trained in the use of the System Six equipment that has been used for the final copy of the Board's other products, such as Meeting records and Memoranda.

By far the least expensive method of producing the Report is through the use of the State Printing Office, Department of Administration. In order to have a uniform and professional-looking Report, the printer must have camera-ready copy from which to work. The System Six offers features which other equipment does not and will provide the desired finished copy. The Cards which Ms. Fred prepares can be printed out on the System Six.

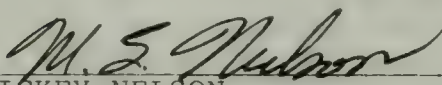
Ms. Beverly Rhodes, also a legal secretary on the Attorney General's staff, and who operates the System Six, is willing to work on her own time at the overtime hourly rate of \$9.66.

Approval of the Coordinating Committee is given for retaining Ms. Rhodes.


These votes are cast with the understanding that there is no legal secretary on the staff who can contribute regular

office time to the Board beyond that which is already being contributed for regular Board business. It is stipulated that each secretary keep a written record of her time and that the Department of Justice will remunerate these employees with the Department being reimbursed from Board funds.

JOHN PFAFF, JR.




MICKEY NELSON



FRITZ O. BEHR

DON WHITE



LONN HOKLIN

30 November 1978

Mr. Robert Kuchenbrod, Administrator
Central Services
Department of Justice
Helena, Montana 59601

Dear Bob:

Ms. Karen Fred and Ms. Beverly Rhodes have consented to type the Report of the Montana Board of Forensic Science in camera-ready copy for the printing office in the Department of Administration. Ms. Fred will type both the rough and revised drafts and Ms. Rhodes will run the final copy on the System Six in order to obtain justified margins and the most finished type of work possible for use of the printing office.

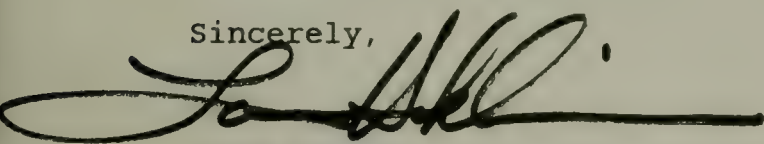
The Attorney General has agreed to compensate Ms. Fred and Ms. Rhodes for overtime hours recorded on this project as provided by law. Overtime payment for Ms. Fred is \$7.21 per hour and for Ms. Rhodes is \$9.66 per hour.

In accordance with instructions from Dr. John Pfaff, Chairman of the Board of Forensic Science, and from the Coordinating Committee of the Board, I hereby agree on behalf of the Board to reimburse the Department of Justice from the Board's funds for overtime compensation paid to Ms. Fred and Ms. Rhodes.

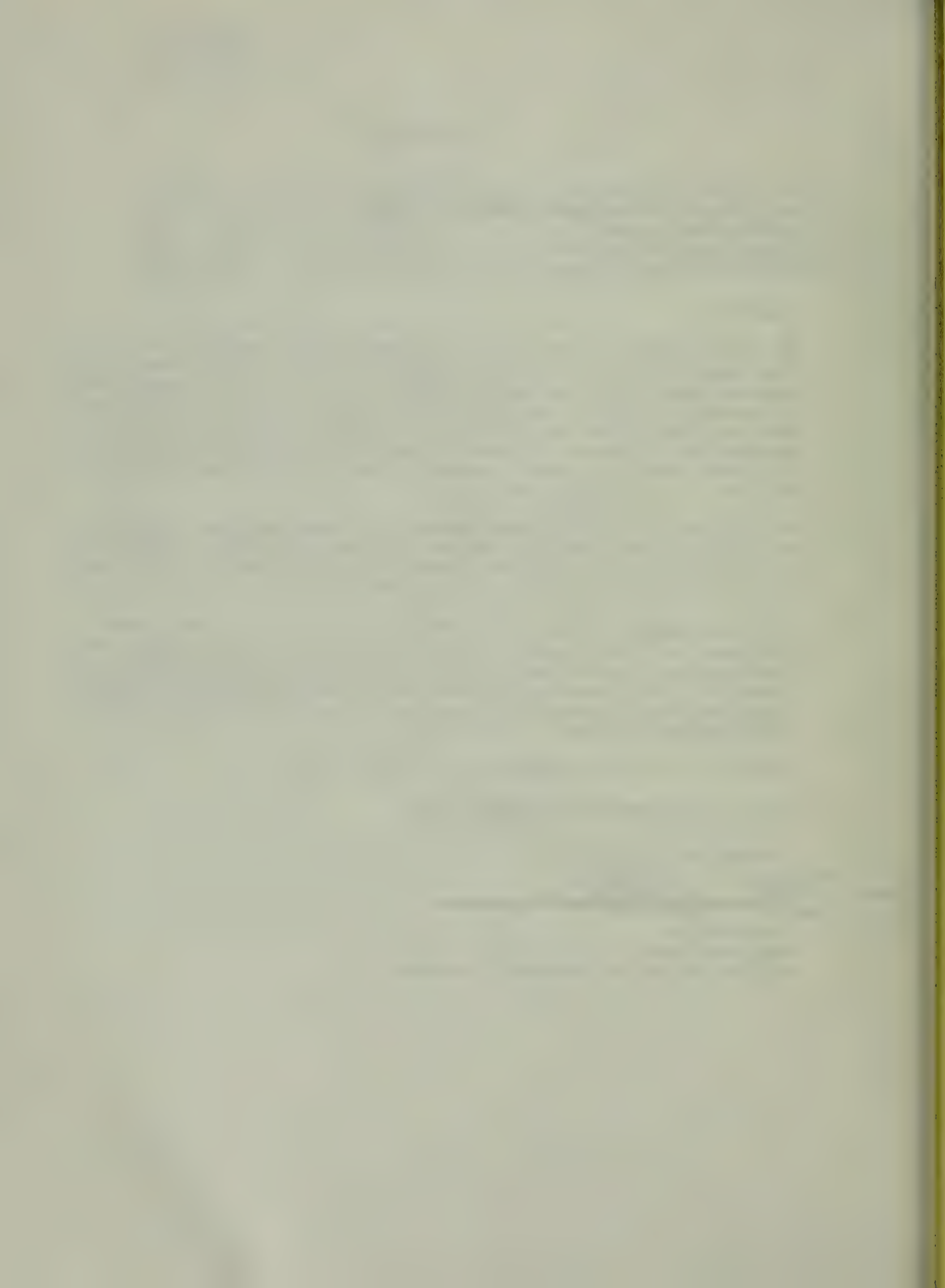
Thank you for your attention to this matter.

With best personal wishes, I am

Sincerely,



LONN HOKLIN
Administrator
Montana Board of Forensic Science



PERSONNEL RESOURCES

COMMITTEE



The following is a motion from the Personnel Resources Committee Montana Board of Forensic Science.

29 March 1978

MOTION:

The Personnel Resources Committee unanimously moves that the Montana Board of Forensic Science create a position of QUESTIONED DOCUMENT EXAMINER, to be hired and placed in the Criminal Investigation Laboratory.

Salary to be set for two years, plus benefits by the Criminal Investigation Laboratory, Bureau Chief.

Salary and benefits for two years may NOT exceed \$36,000.00.

Personnel qualifications to be set by Criminal Investigation Laboratory Bureau Chief.

Truly,

/s/ M.E. "Mickey" Nelson, Chairman

/s/ John Jutila, Member

/s/ Gene Kiser, Member

The following is a motion from the Personnel Resources Committee Montana Board of Forensic Science.

29 March 1978

MOTION:

The Personnel Resources Committee unanimously moves that the Montana Board of Forensic Science create a position of FIRE ARMS & TOOL MARK EXAMINER, to be hired & placed in the Criminal Investigation Laboratory.

Salary to be set for two years, plus benefits by the Criminal Investigation Laboratory, Bureau Chief.

Salary & benefits for two years may NOT exceed \$36,000.00. Personnel qualifications to be set by Criminal Investigation Laboratory, Bureau Chief.

Truly,

/s/ M.E. "Mickey" Nelson, Chairman

/s/ John Jutila, Member

/s/ Gene Kiser, Member

The following is a motion from the Personnel Resources Committee Montana Board of Forensic Science.

29 March 1978

MOTION:

The Personnel Resources Committee unanimously moves that the Montana Board of Forensic Science pass the following law change.

ALL

Repeal 25-236 & 25-202 R.C.M. strike the word coroner.

REPLACE WITH:

SALARY OF THE COUNTY CORONER: The County Commissioners must, by resolution salary so fixed shall be the statutory salary to be in effect on the first day of the following fiscal year.

In counties over 30,000 population a coroner should be considered to be a full time officer.

Truly,

/s/ M.E. "Mickey" Nelson, Chairman

/s/ John Jutila, Memeber

/s/ Gene Kiser, Member

The following is a motion from the Personnel Resources Committee Montana Board of Forensic Science.

29 March 1978

MOTION:

The Personnel Resources Committee unanimously moves that the Montana Board of Forensic Science create an additional SECRETARY position; to be hired & placed in the Criminal Investigation Laboratory.

Salary & benefits for two years may NOT exceed \$17,000.00. Personnel qualifications to be set by Criminal Investigation Laboratory, Bureau Chief.

Truly,

/s/ M.E. "Mickey" Nelson, Chairman

/s/ John Jutila, Member

/s/ Gene Kiser, Member

The following is a motion from the Personnel Resources Committee Montana Board of Forensic Science.

29 March 1978

MOTION: The Personnel Resources Committee unanimously moves that the Montana Board of Forensic Science set the following qualifications for The Office of County Coroner:

1. A person before filing for the Office of County Coroner must meet the general qualifications for a county office holder as outlined in 16-2401, R.C.M., and be:
 - (a) Twenty-three years old at the time of election,
 - (b) A high school graduate or equivalent as so set by the State of Montana Superintendent of Public Instruction.
2. Each coroner, elected or appointed, after he has received his certificate of election or appointment, shall, before entering upon the duties of his office, take the constitutional oath of office, which must be filed with the county clerk. Before the county clerk may file the oath of office the elected or appointed coroner must satisfy the clerk that he is:
 - (a) a person who has completed the basic coroner course of study.
 - (b) or if a person is appointed after the course is offered he must sign a letter of intent to take the course at the next offering and failure to do so will disqualify him.

3. The Chief Medical Examiner for the State of Montana shall present a basic coroner course as soon as is practical following each general election. This course shall be a minimum of 80 hours.

Mileage, per diem and salary shall be paid the elected or appointed coroner for attending the course and shall be a proper charge against the county the coroner represents. All costs of the school shall be paid by the State of Montana.

4. The chief Medical Examiner for the State of Montana shall present an advanced coroner course each year. All elected or appointed coroners must attend the advance course at least once every three years after completing the basic course, failure to do so will disqualify him. Mileage, per diem and salary shall be paid the elected or appointed coroner for attending the course and shall be a proper charge against the county the coroner represents. All costs of the school shall be paid by the State of Montana.

5. All the provisions of this section shall also apply to deputy coroners, and the coroner shall be responsible to have qualified sworn deputy coroners.

Truly,

/s/ M.E. "Mickey" Nelson, Chairman

/s/ John Jutila, Member

/s/ Gene Kiser, Member

The following is a motion from the Personnel Resources Committee Montana Board of Forensic Science.

29 March 1978

MOTION:

The Personnel Resources Committee unanimously moves that the Montana Board of Forensic Science create one additional FORENSIC SEROLOGIST position; to be hired and placed in the Criminal Investigation Laboratory.

Salary and benefits for two years may NOT exceed \$34,000.00. Personnel qualifications; minimum education B.S. degree in physical or natural science related to serology; all other qualifications to be set by Criminal Investigation Laboratory, Bureau Chief.

Truly,

/s/ M.E. "Mickey" Nelson, Chairman

/s/ John Jutila, Member

/s/ Gene Kiser, Member

The following is a motion from the Personnel Resources Committee Montana Board of Forensic Science.

29 March 1978

MOTION:

The Personnel Resources Committee unanimously moves that the Montana Board of Forensic Science create a position of FORENSIC MICROANALYST, to be hired and placed in the Criminal Investigation Laboratory.

Salary to be set for two years, plus benefits by the Criminal Investigation Laboratory, Bureau Chief.

Salary and benefits for two years may NOT exceed \$34,000.00.

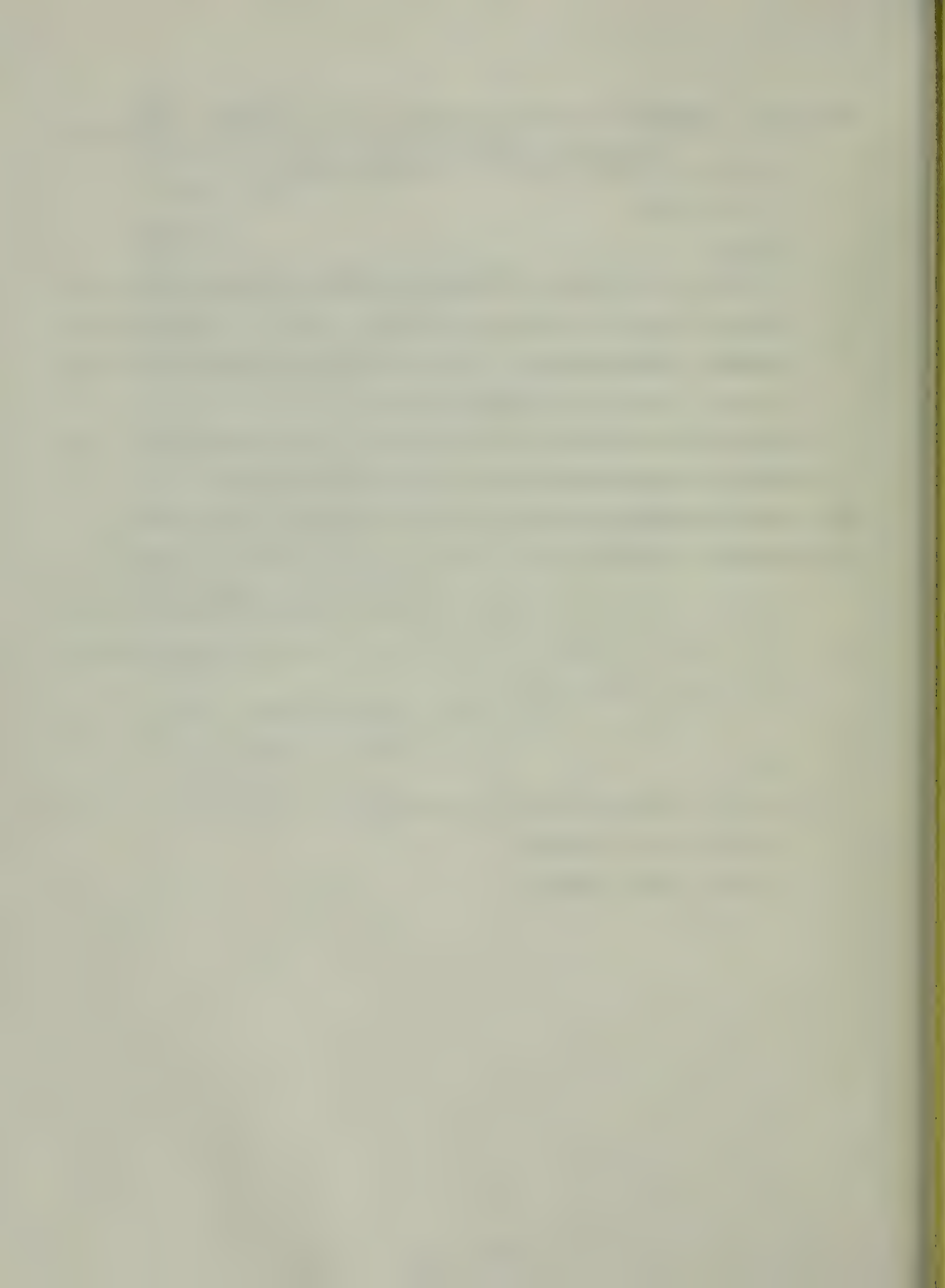
Personnel qualifications: minimum education B.S. degree in physical or natural science related to microanalyses; all other qualifications to be set by Criminal Investigation Laboratory, Bureau Chief.

Truly,

/s/ M.E. "Mickey" Nelson, Chairman

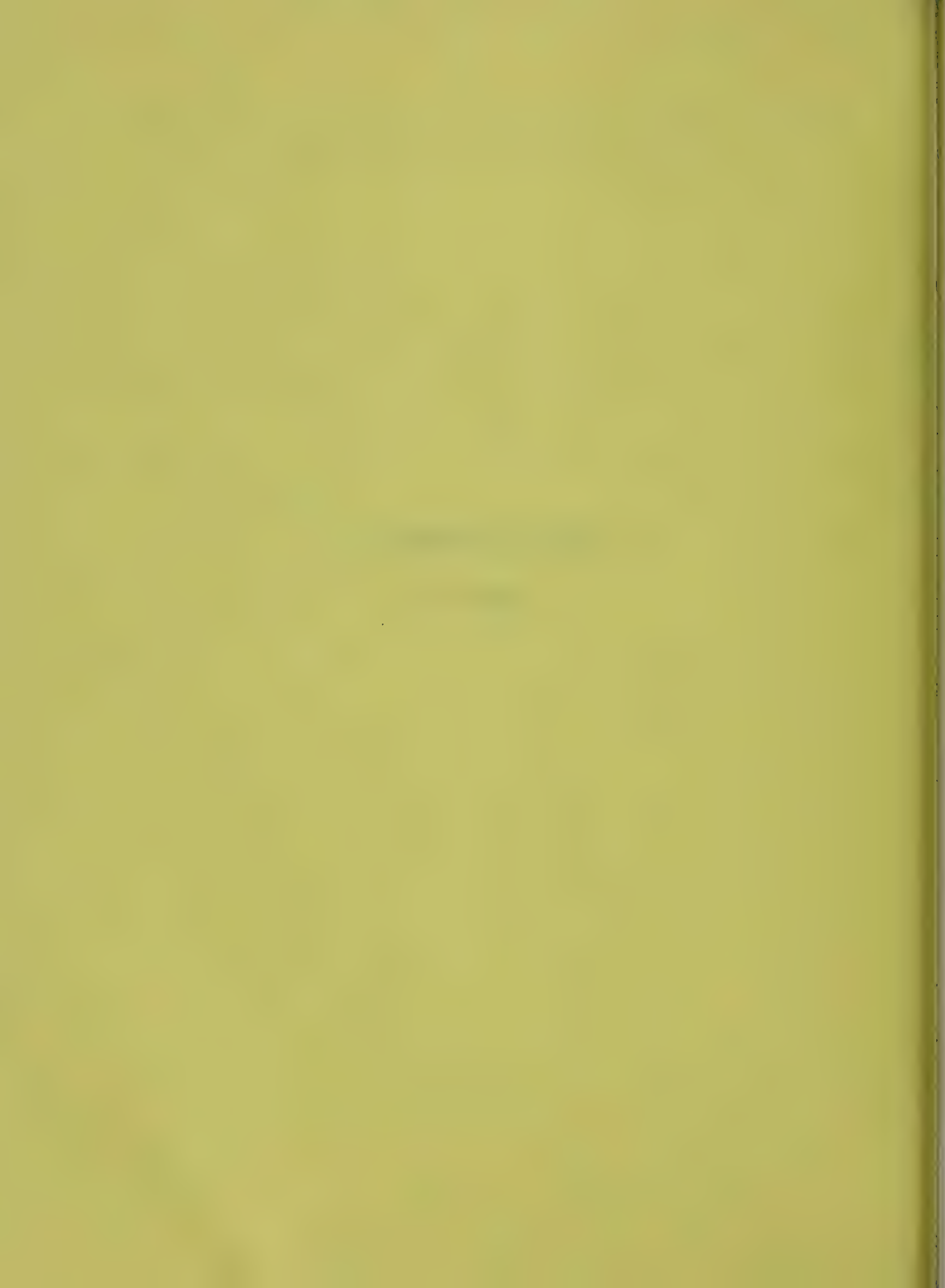
/s/ John Jutila, Member

/s/ Gene Kiser, Member



PHYSICAL RESOURCES

COMMITTEE



21 March 1978

George Bousliman, Director
Office of Budget and Program
Planning
Room 237
Capitol Building
Helena, Montana 59601

Re: Montana Board of Forensic Science

Dear Mr. Bousliman:

This morning I talked with Dave Lewis of your office regarding possible requests by other state departments for laboratory funding. As you are aware, the above-named Board is in the process of trying to find ways of implementing H.B. 461 of the 1977 Legislative Session which created the Division of Forensic Science under the Department of Justice. This Division will include the Criminal Investigation Laboratory which is now located in Missoula.

In the interest of possibly being able to consolidate some of the laboratory functions in state government, would it be possible for you to attend a portion of the next meeting of the Forensic Science Board? The chairman of the Board, Dr. John Pfaff, asked me to extend the Board's invitation and ask if you or someone from your staff could be present at 2:00 p.m., March 29, 1978, at the main conference room of the Board of Crime Control, 1336 Helena Avenue, Helena, Montana.

Thank you for your assistance.

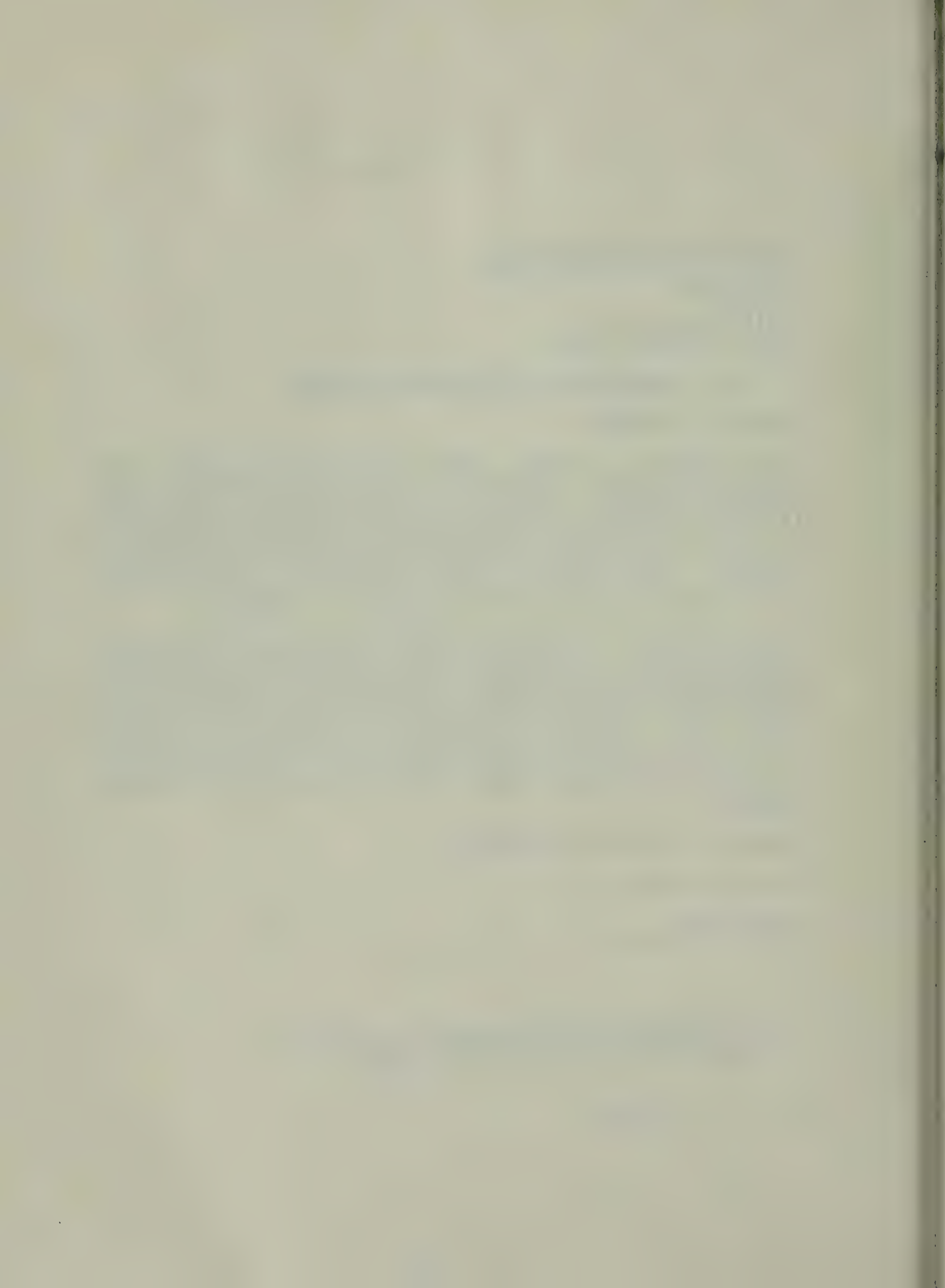
Very truly yours,

MIKE GREELY
Attorney General

By 

M. SHARON WOLFE, Assistant Administrator
Montana Board of Forensic Science

cc: Dr. John Pfaff



Cascade County

State of Montana

TELEPHONE: (406) 761-6700

Great Falls, Montana 59401

May 8, 1978

Dr. John Pfaff
1601 2nd Avenue North
Great Falls, Montana 59401

Dear Dr. Pfaff:

I have been advised that you have an interest in establishing the Board of Crime Control Laboratory at the old Columbus Hospital.

If so, would you send me a letter of intent reaffirming your interest for space.

Thank you.

Sincerely,

William D. Tuss

William D. Tuss
Facilities Manager

WDT/jet

Cascade County

State of Montana

TELEPHONE (406) 761 6700

Great Falls, Montana 59401

May 23, 1978

The Honorable Michael Greely
Attorney General of Montana
Department of Justice
Room 208, State Capitol
Helena, Montana 59601

Dear Sir:

Recently I wrote to Dr. John Pfaff about the opportunity of establishing the Crime Laboratory at the old Columbus Hospital that the Cascade County Commissioners have purchased in order to bring together county, state, and federal agencies.

Office and laboratory rooms are mostly intact which would serve the purposes of the laboratory operations.

I would like to suggest that we could arrange for a site committee meeting and a tour of the facility here in Great Falls at the committee's convenience.

Sincerely,



William D. Tuss
Facility Manager

WDT/jet

CC: Dr. John Pfaff
Dale Dye, Sheriff
Fritz Behr, Administrator

24 May 1978

Mr. William D. Tuss
Facilities Manager
County of Cascade
Cascade County Courthouse
Great Falls, Montana 59401

Dear Mr. Tuss:

Dr. John Pfaff forwarded to me your May 8 letter concerning space for a forensic science laboratory in the old Columbus Hospital.

The Montana Board of Forensic Science, in accordance with H.B. 461, the Montana Forensic Science Act of 1977, has entertained a number of proposals from communities and individuals for facilities to house such a laboratory. The Board has reached no conclusion, however, and will give ample consideration to any forthcoming proposal.

As the Board Administrator, I would be pleased to submit to the Board a proposal for housing the laboratory and offices of the Division of Forensic Science, Department of Justice, in the old Columbus Hospital, upon receiving written notice from the appropriate Cascade County officials. Though the Board has yet to determine precisely the space requirements for the operation, we anticipate that the needed space is between 6,000 and 8,000 square feet for the laboratory and four administrative officers. Very shortly, the Board will establish additional requirements relating to special plumbing and laboratory equipment. If you wish, I can supply such information and specifications as they become available.

Thank you for your interest in this important undertaking, and please don't hesitate to contact me if you require additional information.

With best regards, I am

Sincerely,



LONN HOKLIN
Executive Assistant

Cascade County

State of Montana

TELEPHONE (406) 761-6700



Great Falls, Montana 59401

September 25, 1978

The Cascade County Commissioners are taking this means of requesting that the Montana Board of Forensic Sciences accept our proposal that Great Falls be considered as a possible site for a forensic crime laboratory.

We are providing an outline of the basic reasons why we feel Great Falls should be considered. Specific details on the proposal could be discussed in depth at the time a site visitation is scheduled.

In advancing this proposal, the Cascade County Commissioners have the full support of a large segment of the community, including those agencies and individuals who would be in a position to assist the laboratory in its functions.

While we realize there are several potential locations for the laboratory, we hope the information contained in this submission is adequate to convince you that Great Falls deserves investigation by the individual or group responsible for visiting the potential sites.

We also realize that financial considerations will play a large part in the decision as to a site.

While we are not prepared at this time to discuss specific costs, we feel certain that Cascade County is in a position to show that utilization of existing facilities in Great Falls will be to your financial advantage.

We are unable to be more specific because of the lack of detailed specifications as to your needs but we feel certain that we can work with your architect to provide reasonably accurate cost forecasts in a short time.

If there are any further questions that we can answer for you as you deliberate on our request, please feel free to contact any of us or our Administrative Assistant, Bill Murray.

BOARD OF COUNTY COMMISSIONERS

John St. Jermain
John St. Jermain Chairman

L. W. Fasbender
L. W. Fasbender Member

Franklin H. Steyaert
Franklin Steyaert Member

jc

AS OUTLINED ON THE ATTACHED DRAWINGS, CASCADE COUNTY CAN OFFER SOME 4,300 SQUARE FEET IN THE CASCO (OLD COLUMBUS HOSPITAL) COMPLEX.

THE PRIMARY SITE OFFERED IS THE ENTIRE LAUNDRY BUILDING. THIS STRUCTURE EASILY MEETS THE FOLLOWING REQUIREMENTS FROM THE "GENERAL SPECIFICATIONS FOR FORENSIC LABORATORY" AS PROVIDED BY THE ATTORNEY GENERAL'S OFFICE:

- 1) PLUMBING. NOT ONLY IS THE BUILDING CAPABLE OF PROVIDING THE FACILITIES REQUIRED, MANY OF THE COMPONENTS (SINKS, ETC.) MAY BE AVAILABLE AT NO ADDITIONAL COST FROM EQUIPMENT RETAINED AT THE TIME THE BUILDING WAS ACQUIRED BY THE COUNTY.
- 2) ELECTRICAL: NOT ONLY ARE THE BASIC REQUIREMENTS EASILY MET, BUT THE COUNTY CAN PROVIDE AUTOMATIC SWITCHOVER TO AUXILIARY POWER TO ASSURE CONTINUITY IN THE EVENT COMMERCIAL POWER IS LOST.
- 3) VENTILATION: ANY CONFIGURATION OF INTERIOR PARTITIONING IS EASILY ACCOMPLISHED, INCLUDING THE CONSTRUCTION OF A "CLEAN ROOM". CASCADE COUNTY HAS A STAFF OF CARPENTERS, ELECTRICIANS, PLUMBERS AND PAINTERS THAT CAN PROVIDE REQUIRED MODIFICATIONS AT A MINIMUM COST.
- 4) FIREARMS : THERE ARE A NUMBER OF BASEMENT ROOMS OF SOLID CONCRETE CONSTRUCTION THAT COULD BE MODIFIED AT A MINIMUM EXPENSE TO MEET THESE REQUIREMENTS.
- 5) SECURITY: ENTRY/EXIT TO THE BUILDING ITSELF IS EASILY CONTROLLED, AS IT FACES ONTO AN INTERIOR COURT. AS THE BUILDING IS SELF-CONTAINED, IT WOULD BE A SIMPLE MATTER TO PROVIDE CYCLONE FENCING AND REMOTE-OPERATED GATE IF THIS LEVEL OF SECURITY WERE DEEMED NECESSARY.

REGARDING EVIDENCE STORAGE, THERE IS ADEQUATE SPACE TO CONSTRUCT A SECURE ROOM WITHIN THE BUILDING TO MEET THIS REQUIREMENT.
- 6) SAFETY: AS THERE ARE EXITS IN THREE OF THE FOUR WALLS OF THE BUILDING AT PRESENT, IT WOULD BE A SIMPLE MATTER TO CONFORM TO THE REQUIREMENTS OF BOTH SECURITY AND THE FIRE CODES WITH A MINIMUM OF REMODELING EXPENSE.

REGARDING STORAGE OF TOXIC AND/OR VOLATILE MATERIALS, THERE ARE TWO INSETS ON THE WEST SIDE OF THE BUILDING THAT COULD EASILY BE FENCED OR OTHERWISE ENCLOSED. IT WOULD ALSO BE RELATIVELY EASY TO CONSTRUCT DIKES, DRAINS OR OTHER CONTAINMENTS EITHER INSIDE OR OUTSIDE THE BUILDING.

IN SUMMARY, IT IS FELT THE BUILDING HAS ALL THE BASIC REQUIREMENTS TO MEET THE SPECIFICATIONS. DETAILED COST ESTIMATES ON MODIFICATIONS COULD BE PROVIDED FOLLOWING A SITE VISITATION, AT WHICH TIME THESE SPECIFICS COULD BE PROVIDED BY THE COMMITTEE.

EXHIBIT II RESOURCES AVAILABLE TO SUPPORT A FORENSIC
LABORATORY IN GREAT FALLS

This list is meant only to provide basic information. Detailed discussion of the manner in which each resource could be utilized will be provided upon request or as part of the discussion during a site visitation.

1. Government owned (Cascade County) Structure:
 - A. Ground level floor
 - B. Restricted entry
 - C. Separate Building
 - D. Brick and mortar construction with concrete floors
 - E. Open space suitable for interior modifications
 - F. Over head ventilation in place
 - G. Three Bathrooms in place
 - H. Availability of live steam
 - I. Multiple hot and cold water systems in place
 - J. Underground tunnel to basement rooms and connected to main CasCo Building (can be easily barricaded for security).
 - K. Freight elevator (in the event additional stories are added to building in future, or for transfer of equipment or personnel from basement tunnels.)
 - L. Availability of emergency power.
2. Inter-library service through Great Falls Public Library and Access to medical library through computer terminal at Columbus Hospital.
3. Medical and Medically-Related Resources:
 - A. Six clinics
 - B. Four hospitals (Columbus, Montana Deaconess, Cascade County and Malmstrom Air Force Base)
 - C. 102 Physicians (Specialists in 21 fields)
 - D. McLaughlin Research Institute
 - E. Montana Deaconess Poison Control Center
 - F. Schools of Nursing at Columbus and Montana Deaconess
 - G. Resident training program at Columbus
 - H. Forensic Pathologist at Columbus
 - I. Easter Seal Foundation Rehabilitation Center
 - J. Heart Foundation Research Center
 - K. Montana School for Deaf and Blind with Audiology/ Speech and Physical Aspects Resources
4. Law Enforcement:

- A. Cascade County Sheriff's Office with skilled experts in Forensic Photography, polygraph, crime scene security, the Coroner skills and other aspects of investigative law enforcement.
- B. A unit of the Drug Enforcement Agency.
- C. U.S. Marshall
- D. Federal Probation and Parole Office.
- E. F.B.I. Office
- F. Great Falls Police Department with supporting facilities in ballistics, photography and computer links with data banks in Helena.

5. Supportive or Related Fields:

- A. Anaconda Company (Chemists, Physicians)
 - B. U.S.D.A. Grain Lab (Agronomist, Botanist)
 - C. General Mills (Chemist)
 - D. EnviroTech (Chemists)
 - E. Dental Laboratories
 - F. Veterinarians
6. Facilities of the Graphic Arts Divison of School District One for preparation of exhibits, charts, etc. for courtroom presentation or training aids.
7. College of Great Falls
8. Malmstrom Air Force Base
9. County Seat

EXHIBIT III SUPPORTING INDIVIDUALS AND AGENCIES

1. Cascade County Commissioners
2. District Judge William Coder
3. District Judge Joel Roth
4. District Judge Truman Bradford
5. Sheriff Glenn Osborne
6. Cascade County Attorney J. Fred Bourdeau
7. Great Falls Police Chief Jack Anderson
8. School District One Superintendent Dr. Harold Wenaas
9. Great Falls City Commission
10. Great Falls Crime Attack Team
11. Columbus Hospital Administrator Frank Stewart
12. U.S. Marshall John Krsul
13. Montana Deaconess Hospital

GREAT FALLS AS A CENTRAL LOCATION FOR FORENSIC CRIME LAB

WHILE THE FOLLOWING DATA ON DISTANCE MAY NOT BE STATISTICALLY SOUND, IT DOES SERVE TO DEMONSTRATE THE RELATIVE LOCATIONS OF GREAT FALLS, HELENA, MISSOULA AND BOZEMAN TO THE COUNTY SEATS OF MONTANA'S 56 COUNTIES.

THE DATA WAS COMPILED BY TAKING HIGHWAY MILEAGES FROM EACH COUNTY SEAT TO EACH OF THE RESPECTIVE CITIES AND ADDING THEM TOGETHER:

GREAT FALLS	: 14,926
HELENA	: 15,601
BOZEMAN	: 16,161
MISSOULA	: 19,857

COMPARATIVE AIR SERVICE DATA:

	GREAT FALLS	HELENA	BOZEMAN	MISSOULA
24 HOUR TOWER	YES	YES	NONE	8AM-11PM
COMMERCIAL SERVICES	4	3	2	2
CUSTOMS	YES	NO	NO	NO
AIR FREIGHT	YES	YES	YES	YES

BOZEMAN (SERVED FROM BELGRADE) REQUIRES A CONSIDERABLE DISTANCE TO BE TRAVELLED TO AND FROM THE AIRPORT. THE OTHER THREE ARE SIMILAR IN ROUND TRIP DISTANCE.

COMPARATIVE RAIL SERVICE DATA:

	GREAT FALLS	HELENA	BOZEMAN	MISSOULA
FREIGHT	YES	YES	YES	YES
PASSENGER	NO	NO	YES	YES

COMPARATIVE BUS SERVICE DATA:

	GREAT FALLS	HELENA	BOZEMAN	MISSOULA
PASSENGER	YES	YES	YES	YES
FREIGHT	YES	YES	YES	YES

GREAT FALLS ALSO OFFERS AN AVERAGE OF OVER 350 "VFR" FLYING DAYS PER YEAR AT INTERNATIONAL AIRPORT.

THE FINAL 18 MILES OF INTERSTATE BETWEEN GREAT FALLS AND HELENA WILL BE COMPLETED IN 1980.

PHYSICAL RESOURCES COMMITTEE REPORT

Board of Forensic Science

9/27/78

- 9/12/78 - Physical Resources Committee meeting at LESD and recommended Coordinating Committee be authorized to retain architectural firm of Crossman, Whitney and Griffin to survey 3 sites.

Helena - Scott Hart Building
Missoula - Pharmacy Building (U of M)
Bozeman - Rosary School site (modulars)

- 9/15/78 - Meeting with architects in Attorney General's Office Lonk Hoklin, Executive Assistant to the Attorney General
Grant Crossman, Architect
Wayne W. Whitney, Architect
Fritz O. Behr, Administrator, Law Enforcement Services Division
Arnold Melnikoff, Chief, Criminal Investigation Lab (report re: additional lab requirements beyond Arnold's other reports)

- 9/21/78 - Missoula - Hoklin, Whitney, Behr and Melnikoff
Surveyed existing crime lab.
Surveyed Pharmacy Building (U of M)
Looked at Old Fort Missoula

- 9/26/78 - Surveyed proposed Bozeman site (modulars) - Hoklin and Whitney.

- 9/27/78 - Physical Resources Committee meeting in a.m.
Cascade County proposal (attached).

Recommendations:

1. In view of the fact Great Falls has contacted (written to) Attorney General's Office and Dr. Pfaff prior to submission of Physical Resources Committee Report (resolution), we recommend that the Great Falls proposal be included in sites to be surveyed, thereby limiting the survey to 4 sites - viz:
Helena
Missoula
Bozeman
Great Falls (old Columbus Hospital)

Physical Resources Committee Report
9/27/78
Page 2

2. Coordinating Committee to amend contract with architects to include the Great Falls site.
3. Medical Examiner's requirements for Division of Forensic Science Site? Office Space? Refrigeration? Lab Space?
4. Get recommendations of architect; architect to report in full Board at October meeting (A.M.? maybe).
5. Decision on site to be deferred to October meeting of Board of Forensic Science.

STATE
OF
MONTANA
DEPARTMENT OF JUSTICE
LAW ENFORCEMENT SERVICES DIVISION
141 Helena, Montana 59601 406 449 2800

TO: LONN HOKLIN, EXECUTIVE ASSISTANT TO THE ATTORNEY GENERAL
(ADMINISTRATOR, BOARD OF FORENSIC SCIENCE)

FROM: FRITZ O. BEHR, ADMINISTRATOR, LES DIVISION
(CHAIRMAN, PHYSICAL RESOURCES COMMITTEE,
BOARD OF FORENSIC SCIENCE)

DATE: 4 OCTOBER 1978

SUBJECT: SPACE REQUIREMENTS FOR CHIEF MEDICAL EXAMINER AND IMMEDIATE
STAFF - AT PROPOSED DIVISION OF FORENSIC SCIENCE SITES

At 8/16/78 meeting of Board of Forensic Science meeting in Missoula, Dr. Newman offered to provide the Physical Resources Committee with information concerning space and equipment, etc. which would be required by the Chief Medical Examiner and his immediate staff - in addition to and separate from the proposed expanded Crime Lab's needs, which Arnold Melnikoff has already supplied to our Committee.

On 9/27/78, during the afternoon session of the Board of Forensic Science, held in Helena, Dr. Newman handed me a copy of the attached memo, entitled "Laboratory and Morgue Space Requirements".

As you can see, the bulk of this memo deals with generalities about lab requirements and about morgue space, in spite of the fact that it has been agreed upon that any such new facility will not contain autopsy/morgue facilities.

Realizing that the contents of this memo did not answer the questions of the Physical Resources Committee about specific needs (office space, refrigeration, etc.) of the Chief Medical Examiner, I spoke to Dr. Newman and to Dr. Pfaff during the afternoon break. They verbally informed me that the Chief Medical Examiner and his staff (executive secretary) would require only the following:

Office space:

Chief Medical Examiner - 12' x 12'
Executive Secretary - 12' x 12'
(plus "adequate" space for file storage in
secretary's office)

Conference room:

Availability of adequate conference space in building will meet the CME's needs; conference space need not be dedicated solely to use of Division of Forensic Science.

Refrigeration:

CME's area will not require separate refrigeration, so long as adequate refrigeration facilities are available in crime lab section of Division of Forensic Science.

To be as specific as possible, I then asked Drs. Pfaff and Newman to view the conference room in which the Board of Forensic Science was then meeting (at Montana Board of Crime Control). They both assured me that such a space - which measures 30' x 20', i.e. 600 sq. ft. - would be "more than adequate" for the combined needs of the CME, his executive secretary and their file storage.

On September 28, 1978, I called Wayne W. Whitney (architect - Crossman, Whitney and Griffin) and gave him the gist of the foregoing information.

FOB/lm

PATHOLOGICAL SERVICES, INC.
Clinical and Anatomical Pathologists
Silver Bow General Laboratory
2500 Continental Drive
BUTTE, MONTANA 59701

September 26, 1978

Phone 406-792-9151
406-792-9152
P.O. Box 3493

Raymond D. Grondahl, M.D.
Hazel L. McGaffey, M.D.
John A. Newman, M.D.
David A. Repola, M.D.

TO: Fritz O. Behr

FROM: John A. Newman, M. D.

SUBJECT: Laboratory & Morgue Space REquirements

1. Plan for a 200% increase in 10 years. (i.e., threefold or tripling).
2. Aim space requirements at about 5 to 7 years - i.e., too large in first half, too small in second half, with obsolescence in 10 to 15 years.
 - 2.1 If above not satisfactory, then allow expansion room - i.e., don't place laboratory in cul-de-sac.
 - 2.2 Keep in mind that arrangements might be made to handle excess volume elsewhere. This tends to split the laboratory and weakens the overall purpose and goal and is probably the least desirable alternative.
3. Basic Departments include:
 - 3.1 Chemistry
 - 3.2 Hairs and fibers.
 - 3.3 Immunology and serology. (Radioimmuno assay?)
 - 3.4 Marks and tools.
 - 3.5 Photography
 - 3.6 Ballistics and Firearms.

Others in limbo include fingerprinting, handwriting examination and others.

The bay and peninsula arrangement has found wide acceptance, allowing a certain amount of departmentalization without remoteness and isolation. The unit should be 10' on center with a 6' aisle or bay and a two 2' benches. This can be modified to suit space constrictions by narrowing the aisles to not less than 4.5'. Beyond this, a bench must be sacrificed. A convenient length is 12' to 16' with sinks at end of every other bench. Cup sinks in the middle of the benches suffice.

Although some of the equipment is free standing, i.e., gas chromatographs, nevertheless, it is not excessive and an open-wall full-length design should suffice.

Figure 1 gives an idea of this arrangement. Others would include double bays or two such duplicate laboratories.

With this arrangement, five complete bays of 10' each - i.e., 50' by 20' wide equals 1000 sq. ft. of readily usable space without traffic problems, congestion and so forth. Each additional bay adds about 200 sq. ft. to the total space.

This laboratory space should account for 50% of the total space. Another 25%, i.e., approximately 500 sq. ft., should be allocated to office space and should include at least two offices - one for the Chief Medical Examiner and one for the Laboratory Chief, plus appropriate space for two secretaries.

Yet another 25% or 500 sq. feet should be allocated to storage space and would include storage of chemicals, unused equipment, records, office supplies, etc.

In addition, modest space should be provided for lockers and perhaps a lounge. A library conference room would be very desirable.

One small dark room should be provided with the usual photographic equipment - 8' by 10' would suffice.

In summary:

Laboratory	1000 to 1400 sq. ft.
Office & Secretary	500 to 800 sq. ft.
Dark Room	100 sq. ft.
Storage	500 to 700 sq. ft.
Totals:	2000 to 3000 sq. ft.

I hope this will form some basis for discussion and comparison. I would guess that the larger figures would be more realistic for a 15 year life of this laboratory and facility.

Could I strongly suggest that you obtain the publication "Manual for Laboratory Planning and Design" - published by the College of American Pathologists, 7400 No. Skokie Blvd., Skokie, Illinois 60077. Telephone (312) 677-3500. Although much of the material published here is designed for clinical laboratories, nevertheless, there is a great amount of material involving basic systems including mecahnical, electrical, plumbing, water systems, gas piping, compressed-air vacuum systems, as well as support facilities, environmental characteristics, personnel safety and laboratory safety in general.

Basically, however, the design of the laboratory should rest with the Medical Examiner. He will have an excellent perception of needs, space allocation, etc. Only through him will adequate space and arrangement be accomplished.

Cascade County

State of Montana

TELEPHONE (406) 761 6700

Great Falls, Montana 59401

October 10, 1978

Lonn Hoklin
Executive Assistant
Attorney Generals Office
Capital Building
Helena, Montana 59601

Dear Mr. Hoklin:

From our tour on October 9, 1978 of the CasCo Building I am submitting a letter from Mr. Frank Stewart which you requested.

If the CasCo Building is chosen as the site the Cascade County Commissioners will provide at no charge the laboratory cabinets, counters, overhead exhaust fans, sinks, laboratory electrical outlets, and ovens etc., that we looked at on the sixth floor.

Installation of equipment in the laundry building could be done by the County Craftsmen as follows:

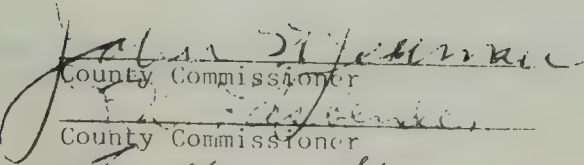
Plumber - \$ 14.75 per hour, Carpenter - \$ 10.50 per hour,
Electrician - \$ 15.00 per hour, and Painter - \$ 11.00 per hour.

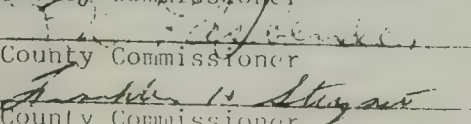
The craftsmen cost is quite low compared to having a private contractor perform the same work, not to mention the considerable savings of using existing laboratory equipment at no charge.

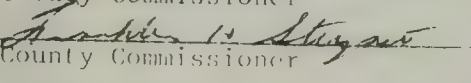
Please contact me for any further information you need.

Sincerely,

2


County Commissioner


County Commissioner


County Commissioner



COLUMBUS HOSPITAL ESTABLISHED IN 1892 BY SISTERS OF PROVIDENCE

500 15th AVE. SO. P.O. BOX 5013, GREAT FALLS, MT 59403 (406) 727-3333

October 10, 1978

Board of County Commissioners
Cascade County Courthouse
Great Falls, MT 59401

Dear Sirs:

Columbus Hospital will provide a vendor listing of chemical companies for the Forensic Laboratory to purchase chemicals directly from the vendor.

Columbus Hospital Administration would be willing to order through our Purchasing Department the Forensic Laboratory chemicals such as concentrated acids and bases (concentrated sulfuric acid and concentrated sodium hydroxide) as needed on a bill back basis for the Forensic Laboratory at the CasCo Building until reasonable arrangements have been made for direct purchasing.

Storage and transportation of the chemicals will be the responsibility of the Forensic Laboratory.

If you have any questions regarding more detailed information, please contact me at the Columbus Hospital.

Sincerely yours,

Frank Stewart
Administrator

FS/ml
2-357

STATE
OF
MONTANA
DEPARTMENT OF JUSTICE
LAW ENFORCEMENT SERVICES DIVISION

State Capitol Helena Montana 59601 (406) 449-2026

TO: ROBERT C. KUCHENBROD, ADMINISTRATOR, CENTRAL SERVICES DIV.
FROM: FRITZ OL BEHR, ADMINISTRATOR, LES DIVISION
DATE: 4 OCTOBER 1978
SUBJECT: EXPENDITURES - 09/21/78 - BOARD OF FORENSIC SCIENCE

On September 21, 1978 from 0800 hours to 1900 hours, Lonn Hoklin, (Executive to Attorney General in his capacity as Administrator, Board of Forensic Science) and I (in my capacity as Chairman, Physical Resources Committee, Board of Forensic Science) accompanied Wayne W. Whitney (of Crossman, Whitney and Griffin - architects) to Missoula, Montana to survey a possible site (for Division of Forensic Science) at the University of Montana, Pharmacy-Chemistry Building. (See attached relevant 9/28/78 letter to Mr. Raymond Murray, Associate V.P. for Research, University of Montana for further information).

LESD auto - 1975 Green Plymouth - bearing confidential license plates 4-5162 was utilized for this Helena - Missoula - Helena trip - roundtrip mileage is 230 miles.

Accordinly, it is requested that LESD (CPS budget) be reimbursed the following monies from Board of Forensic Science account:

230 mi. x .17 cents per mi.	= \$39.10
Per diem (for myself)	= 8.00
lunch and supper	

TOTAL	<u>\$47.10</u>
-------	----------------

Thanks.

FOB/lm

STATE
OF
MONTANA
DEPARTMENT OF JUSTICE
LAW ENFORCEMENT SERVICES DIVISION
1000 N. W. 10th Street, Helena, MT 59601

28
September
1978

Dr. Raymond Murray
Associate Vice President for Research
University of Montana
Missoula, MT 59801

Dear Dr. Murray:

I am writing to you in my capacity as a member of the Board of Forensic Science and as Chairman of its Physical Resources Committee.

As you know, on September 1, 1978, University of Montana President Richard C. Bowers sent to the Board of Forensic Science a very gracious letter wherein he stated:

The University of Montana would very much like to continue and possibly expand its association with the Crime Laboratory. To this end, the University would be pleased to explore with the Board of Forensic Sciences possible sites for housing the Crime Laboratory on University property.

At your convenience we would welcome a visit from the Board of Forensic Sciences and appropriate architects to inspect possible sites. If a site is identified which could meet the needs of the Crime Laboratory, the University would be willing, through its normal channels, to consider the possible availability of the site.

Accordingly, on September 21, 1978, with your very kind assistance, the following individuals did visit the University and inspected possible sites:

Lonn Hoklin - Administrator, Board of Forensic Science
Wayne W. Whitney - Architect (Crossman, Whitney and Griffin)
Arnold Melnikoff - Chief, Criminal Investigation Laboratory
Fritz O. Behr - Chairman, Physical Resources Committee

As a result of our visit, we have tentatively identified a possible site for housing the Division of Forensic Science (Crime Lab, Chief Medical Examiner's Office, etc.) on University of Montana property.

Dr. Raymond Murray
28 September 1978
Page Two

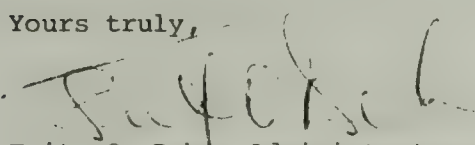
The site in question is within the Chemistry/Pharmacy Building and the specific areas in which we might be interested are:

1. the offices associated with the Pharmacy School,
2. the adjacent Pharmacology laboratory, and
3. the adjacent facilities presently housing lab animals being utilized for research at the Pharmacy School.

As Physical Resources Committee Chairman, I have asked Arnold Melnikoff, Chief of the Criminal Investigation Laboratory, to further explore this matter with the appropriate University officials.

Thank you for your consideration and cooperation in this matter.

Yours truly,


Fritz O. Behn, Administrator
Law Enforcement Services Division

FOB/lm

cc: ~~W~~onn Hoklin - Administrator, Board of Forensic Science
Arnold Melnikoff - Chief, Criminal Investigation Laboratory



University of Montana

Missoula, Montana 59812

September 1, 1978

The Board of Forensic Sciences
c/o Office of the Attorney General
State of Montana
Helena, Montana 59601

Gentlemen:

The University of Montana has had a long standing association with the Montana Criminal Investigation Laboratory, and we believe that the Missoula area, with ready access to the University and three hospitals, offers many advantages to the Crime Laboratory. For several years the Laboratory staff and the University faculty have collaborated on a number of projects, and they have shared a variety of equipment. The faculty represents expertise in drug or plant analysis and toxicology, analytical chemistry, forensic geology, and the like. Overall, relevant expertise has been available to and used by the Crime Laboratory from the Schools of Pharmacy and Forestry and from the Departments of Chemistry, Geology, Microbiology and Anthropology. Additionally, the University has made available its library resources, chemical stores, and electronics experts in the repair and maintenance of laboratory equipment.

The University of Montana would very much like to continue and possibly expand its association with the Crime Laboratory. To this end, the University would be pleased to explore with the Board of Forensic Sciences possible sites for housing the Crime Laboratory on University property.

At your convenience we would welcome a visit from the Board of Forensic Sciences and appropriate architects to inspect possible sites. If a site is identified which could meet the needs of the Crime Laboratory, the University would be willing, through its normal channels, to consider the possible availability of the site.

Sincerely yours,

A handwritten signature in cursive script, reading "Richard C. Bowers".

Richard C. Bowers
President

RCB/lsm

cc: Dr. Lawrence K. Pettit, Commissioner of Higher Education
Raymond Murray, Associate Vice President for Research
Patricia P. Douglas, Fiscal Affairs Vice President
J. A. Parker, Director, University Facilities

MISCELLANEOUS

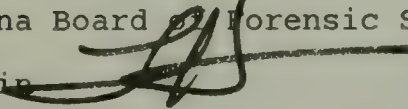
MEMORANDA & CORRESPONDENCE



STATE
OF
MONTANA
ATTORNEY GENERAL
MIKE GREELY

STATE CAPITOL BUILDING, HELENA, MONTANA 59601 TELEPHONE (406) 449-2026

MEMORANDUM

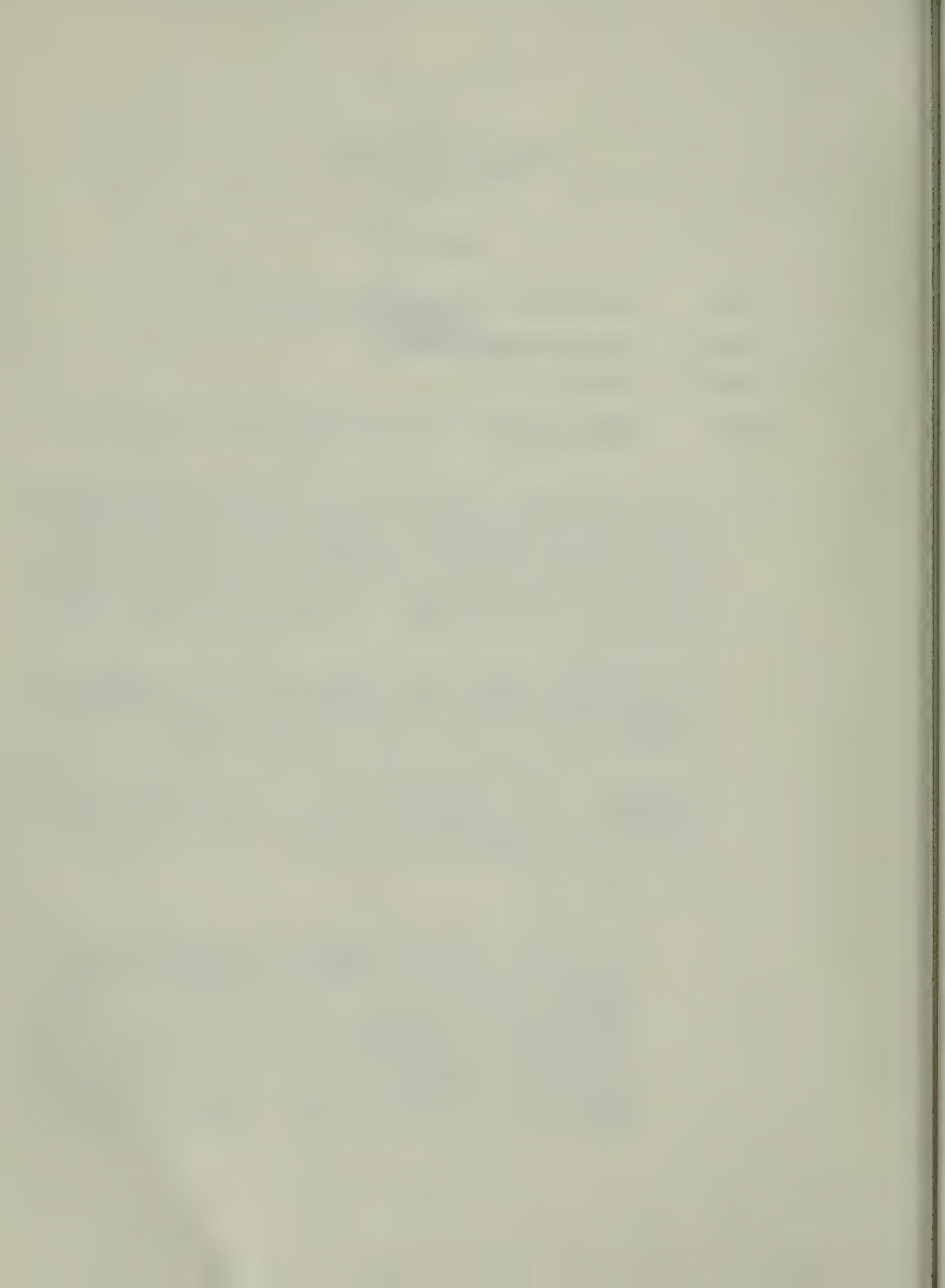
TO: The Montana Board of Forensic Science
FROM: Lonn Hoklin 
DATE: 4 October 1977
RE: Past findings and recommendations concerning a
state forensic science system.

1. In 1970, a Task Force on Science and Technology formed to investigate Montana's need for a forensic science system, and to offer recommendations to the Governor's Crime Control Commission. While deliberating, the Task Force (chaired by Dr. John Pfaff, Jr., now serving on the Board of Forensic Science) consulted various experts such as Lowell W. Bradford of San Jose, California.

The attached letter and memorandum to the Commission from Bradford articulates many needs and considerations central to a forensic science system. It also proposes a staff structure, physical plant and budget.

Following Bradford's memo is Pfaff's letter to the Commission with recommendations. In it, he refers to H.B. 73, the legislative proposal engendered by the Task Force. Though the bill failed, I have attached it for your comparative examination.

2. H.B. 73: 1971
 - A. A major difference between H.B. 73 and the new law (H.B. 461 -- Montana Forensic Science System Act) lies in the duties of the state Medical Examiner. Section 7(1) of H.B. 73 states that the "Chief" Medical Examiner shall "supervise and direct all activities of associate medical examiners and coroners..." (emphasis added). H.B. 461 assigns no such broad authority to the state Medical Examiner (ME); H.B. 73 would also empower the Chief ME to initiate and/or conduct scientific



investigations into suspicious deaths at any time. H.B. 461, on the other hand, allows the Attorney General or a County Attorney to "require" an autopsy, Section 25(1), and empowers the ME to "request" an autopsy. Section 25(2). Other duties and powers of the ME are similar in the two bills. H.B. 73 and the new law require:

- i. That the ME provide assistance and consultation to Associate Medical Examiners, Coroners, and law enforcement agencies;
 - ii. That the ME stimulate and direct research and development in forensic pathology;
 - iii. That the ME provide continuing education in forensic science to Associate Medical Examiners, Coroners and law enforcement officers;
 - iv. That the ME testify in support of his scientific finding when called upon to do so.
- B. H.B. 73 would require the Attorney General to "create medical examiner districts within the state," something the new law does not do. Section 5, H.B. 73. The bill would permit the Chief Medical Examiner to appoint Associate Medical Examiners (AME's) to serve as required in the various districts (subject to approval by the Attorney General).
- C. H.B. 73 would require the Attorney General to "establish a state forensic laboratory and appoint a forensic laboratory director who may be the same person as the chief medical examiner..." (emphasis added) Section 23. Unlike the new law, H.B. 73 does not distinguish between the purely pathological functions of the laboratory and the criminalistic functions. H.B. 461 separated the "Division of Forensic Science" into the Office of Forensic Pathology and the Laboratory of Criminalistics, an important distinction (see DOJ Memo H.B. 461: "Montana Forensic Science System Act," July 5, 1977, p. 2). It also required that the ME, as Division Administrator, appoint a Director of the Laboratory of Criminalistics. Sections 12-13, H.B. 461.
- D. The above observations reveal some differing approaches to establishing and operating a state forensic science system. Their inclusion here is for background purposes only. The framers of H.B. 73 believed that the ME should have considerably

more statutory authority (vis-a-vis coroners) than the new law provides. They also believed that "medical examiner districts" would be useful. They were not as detailed as the authors of H.B. 461 in providing for the administrative structure of a state forensics/criminalistics laboratory.

TO: Governor's Crime Control Commission
1336 Helena Avenue
Helena, Montana 59601

SUBJECT: MONTANA FORENSIC SCIENCE SYSTEM
--A Report of Preliminary Considerations--
January 23, 1971

As a result of my engagement as a consultant to the Governor's Crime Control Commission of the State of Montana, I have completed an on-site visit to Helena during January 14, 15, and 16, 1971. During this period, I met with Attorney General Robert L. Woodahl, Dr. Pfaff, and W.C. Wolfe of the Governor's Crime Control Commission to discuss the conceptual aspects of the Forensic Science Program which is being proposed by the State of Montana.

Such a planning venture should be preceded by a system study which would systematically explore the needs for state forensic science services and would consider the feasibility of various alternatives which might be available to meet these needs, as well as recommend a means of solution. However, the exigencies of the situation in this case have apparently precluded the possibility of such a preliminary study. Consequently, it has been necessary for me to rely entirely upon my own knowledge of the subject, together with what guidance that I was able to obtain from the Attorney General, Dr. Pfaff, and Mr. Wolfe, in developing assumptions that have taken the place of a suitable operations research study in estimating the needs of your proposed forensic science system.

There are a number of law-evolved problems in the society of today which require the application of science and technology in order to enable suitable solutions. Without a forensic science system with which to do this, the machinery is simply not available to a law enforcement agency to solve a large number of acute problems.

It is envisioned that the Montana State Forensic Science System will focus on the solution of law enforcement problems of the following types:

1. Drugs and Narcotics - This begins with bulk samples such as pills, capsules, bundles, etc. It also includes the detection of drugs and narcotics in the blood and urine samples of drivers, persons on probation and parole, institutionalized inmates, subjects of coroner-medical examiner investigation, comatose emergency hospital patients, arrestees in drug and narcotic peddling and possession cases.

2. Drinking Driver Enforcement - a system of gathering, analyzing, and furnishing evidence in drinking driver investigations will be developed with statewide uniformity and will meet standards recommended by the National Safety Council and the National Highway Safety Committee. Tests will be provided to do blood alcohol analyses on blood, urine and breath samples. Officer training will be developed to establish reasonable cause to take samples for chemical tests.
3. Medical Examiner - Coroner Investigations of all types will have the benefit of a modern forensic toxicology service which will be capable of detecting, identifying, and estimating the presence of approximately 2000 different drugs, narcotics, pesticides, and other poisons. The total resources of the laboratory such as firearms and document examination, etc., will be available to these investigations to assist in the determination of death by accident, suicide, or homicide.
4. Fish and Game Law Enforcement - involves a number of essential forensic science identifications such as species determination of blood and hair, identification of field ammunition components, and the full gamut of forensic science test and examinations which are employed in support of detective level work.
5. Fire Investigations - involves the identification of fire source materials which are involved in arson. This service is applicable to both structural and field fires. It involves on the scene investigations, as well as laboratory examination of incendiary materials.
6. Detective Work - the law enforcement agencies require the full array of laboratory services which are specially designed to assist in solving the problems of proof in the investigation of homicide, burglary, armed robbery, sex offenses, forgery, animal poisoning, and other investigations which involve physical evidence.
7. White Collar Crimes - such as product misrepresentation, food adulteration, bad check frauds, and serial number alteration have the potential for assistance from the forensic science operation.
8. Traffic Collision Investigations - can be assisted through the determination of speed from skid marks, lights "on" or "off" from examination of remaining lamp filaments. Collision scenes can be reconstructed.
9. Photographic Services - the laboratory will have the capability for scientific and technical photography indigenous to the laboratory and will be able to support

all enforcement agencies in photographic services, including color processing to the degree required.

10. Consulting Services - to the Attorney General and all law enforcement officers is constantly available to assist them with problems of proof, training, and systems planning in evidence collection and utilization.

11. Visual-Aids and Demonstrations - evidence illustrations are prepared to assist in peace officer training, and in evidence presentation before boards, grand juries, hearings, and courts.

12. Witness Services - are provided to state, county and city agencies in legal proceedings throughout the state in areas of expertise of the laboratory staff.

13. Liaison - with facilities which are able to furnish services beyond the capabilities of the state system is maintained (such as neutron activation analysis) so that highly specialized services are always available to enforcement agencies of the state through arrangement and consultation.

14. Staff Functions - to the Attorney General are a constant service of the director of the forensic science laboratory. Applications of staff assistance include advisory functions concerning physical evidence and scientific services pertinent to the work of the Attorney General.

The forensic science system which included the functions of both the Chief Medical Examiner and the Director of Forensic Science Laboratory, will operate separately with complete independent responsibility for professional results and each will be separately responsible to the Attorney General for broad administrative policy. However, both agents will conduct operation on a teamwork basis, both supporting each other. The facilities which combine these functions should be called the Montana Forensic Science Center.

With these assumptions in mind, the concept of a forensic science system can be developed. An essential component of the system is a forensic science laboratory. Based upon knowledge of other forensic science systems, study, and experience, it is estimated that for the State of Montana, laboratory space of approximately 16,000 square feet is required for such a laboratory. By placing some storage, a test firing area, and vehicle examination and storage facilities in other locations, it is possible to arrange the remainder of the facilities within approximately 12,600 square feet. The details of space allocation are listed in enclosure 1.

The preliminary floor plan developed with the architect is based upon this allocation. It is based upon a workload originating from a statewide service, encompassing a scope of operations as described above and a population base ranging from 700,000 to 120,000.

The concept for inaugurating the service is as follows:

1. The first step will be the appointment of a Chief Medical Examiner.

2. The Chief Medical Examiner will organize and begin the operation of the coroner-medical examiner system.

- a. He will establish an interim office and clerical staff pending the construction of the Montana Forensic Science Center at any available location.

- b. He will operate an interim toxicology service within the limits of his capability as a stop-gap service pending the development of the forensic science laboratory in concert with his office.

- c. He will provide an interim service for blood alcohol analysis by either supervised delegation to other agencies or consolidation into the interim toxicology service.

- d. He will consolidate a rapid bulk narcotics, pill, and capsule analysis service into the interim toxicology service.

3. Acting in a staff capacity for the Attorney General, he will recruit for, and screen applicants for the positions of Forensic Science Laboratory Director. He will recommend his choice of qualified applicants to the Attorney General for appointment.

4. When the forensic science laboratory facility is nearing completion, the Director will be appointed who will then assume the burden for recruitment of other laboratory personnel and supervise the installation of laboratory equipment.

5. When the desired degree of facility completion is attained, the Chief Medical Examiner will relocate and begin operations at the new facility.

6. In coordination, the laboratory operation will begin on a first things first basis and develop into a full blown system as soon as possible.

7. The laboratory director will coordinate closely with law enforcement chiefs and prosecutors to determine the priorities of work programs and response times needed to solve the scientific law enforcement problems of the state.

8. As using personnel are progressively trained in the appreciation of physical evidence through both experience and classroom, development of laboratory activities and workload will proceed at a pace dictated by users.

Based upon these concepts, I met with the staff of Morrison-Mairle and Associates, and we developed as much planning as possible for a laboratory facility. We made estimates of floor space requirements based upon my personnel knowledge from experience and organized it in the best possible manner after considering a number of alternatives.

Cost estimates are discussed in enclosure 2. Excluding capital outlay, depreciation costs, and building maintenance, annual operating costs are projected at about 25 cents per capita in early years of operation and increase to a maximum of about 35 cents per capita after fifteen to twenty years. Costs can be charged back to counties on the basis of population, if desired.

In summary, there are several key points to be kept in mind by planners:

1. A forensic science laboratory system can operate within a state with or without a chief medical examiner system.

2. A chief medical examiner system cannot operate without the service of a forensic science laboratory.

3. The estimates are based upon assumptions without verification of law enforcement needs by virtue of an operations research type of study.

4. As much building space and instrumentation is required to deal with a small workload as a large workload.

5. The degree of sophistication which is applied in a forensic science operation should be of the highest quality whether one man or fifty are employed. This poses the requirement for the most highly qualified man to be on the job first. Volume of workload increases, but quality should be the best from the very beginning.

6. There is a spin-off of education and training to enforcement officers which comes from the presence of a forensic science laboratory staff who can teach peace officers how to use the services which are available.

Consequently, plans should include this training element as a component of the overall state peace officer training program.

Respectfully submitted,

/s/ Lowell W. Bradford
LOWELL W. BRADFORD
Consultant in Physical Evidence

mn

encl: (1) Space requirements
(2) Estimates of operating costs

MONTANA STATE FORENSIC SCIENCE CENTER

Square Footage Required For Work Areas

	<u>Square Feet</u>
1. 6 modules including supervisor office and instrument central area	2304
2. Toxicology, blood alcohol and toxicology office	2340
3. Glassware cleaning	289
4. Apparatus storage	476
5. Shop, firearms examination, firearms storage	700
6. Photography & microscopy, includes police support capability and expansion of one negative room or scanning electron microscope	1836
7. Evidence receiving, storage, drying and rapid narcotics testing	1248
8. Director office, experimental laboratory and secretary area	625
9. Reception and waiting room	360
10. Clerical area	875
11. Administrative files, including medical examiner (open file concept) & office supplies	375
12. Chief Medical Examiner's office	300
13. Library	320
14. Conference Room	600
	<u>12,648</u>

NOTE: This does not include firearms test area and bulk storage which is in basement, nor does it provide for lounge, restrooms, mobile units nor future expansion.

ESTIMATES OF OPERATING COSTS

Operating costs of the laboratory after it begins to function consist of original capital outlay, initial stockage of library and expendable supplies (a first year non-recurring cost), annual salaries, annual maintenance and operational costs and annual additions to capital outlay.

These are estimated as follows:

I. Initial Capital Outlay

Laboratory equipment to be selected and installed by the laboratory director	\$268,000
Furniture	5,000
	<u>\$273,000</u>

Approximately \$150,000 of this will be required during the first year for initial operation and \$123,000 will be added in the second or third years or can be deferred pending development of requirements.

II. Initial Stockage

Forensic Science Laboratory	\$10,000
Expandable Supplies	9,500
	<u>\$19,500</u>

III. Annual Operating Expenses

a. laboratory supplies	\$ 5,000
b. office supplies	1,000
c. postage and freight	400
d. professional liaison & contractual services	2,000
e. small tools and instruments	200
f. transportation & travel (other than auto)	5,000
g. auto travel	3,000
h. protective clothing & safety devices	300
i. maintenance services to equipment	2,000
j. library updating	500
k. remodeling and installation of instruments and equipment	5,000
	<u>\$24,400</u>

NOTE: Communications costs not included.

Operating expenses will be lower in early years and will approach a limit as the laboratory operation is fully developed. This limit is estimated at \$50,000 per year for a population base ranging from 750,000 to one million. The outside cost for a rural area typical of Montana is estimated at about 5 cents per capita.

Salaries begin with the recruitment of a qualified director and executive secretary. The first effort is to obtain the Phase III equipment that will be installed by the laboratory staff. During this period, he will work with using agencies and establish those analyses which have greatest priority from the standpoint of users. Personnel will be added at a rate dictated by the workload and within limits of availability of qualified personnel. This could take any number of years to complete, but a limit of \$250,000 per year is envisioned over a twenty-year period unless requirements change drastically from the foreseen scope functions. The expansion of staff would be much slower than the estimates, but probably not more rapid. The outside cost of the fully-developed operation is about 30 cents per capita.

March 10, 1971

Mr. John Thomas, Chairman
Governor's Crime Control Commission
1336 Helena Avenue
Helena, Montana 59601

Dear Chairman Thomas:

Please accept this as the final report of the Task Force of Science and Technology.

Since the time of our appointment in April of 1970 we met regularly from May to December of that year. Our accomplishments are delineated as follows:

1. A study of the State Coroner and Crime Laboratory facilities was attempted. Our major findings are recorded in the Data Tabulation and Comments of the "Forensic Laboratory and Coroners Survey" prepared by Mr. Bill Wolfe and previously submitted to all Commission members.
2. Progress and recommendations were made to the Commission at monthly intervals by the Task Force Chairman.
3. Communications were established between the Task Force and national consultants in the fields of both Medical Examiner and Physical Evidence systems. The most helpful of these was a report given by Lowell W. Bradford of San Jose, California who submitted a concise analysis of our problem together with recommendations for future development of a Forensic Science System in Montana. This report may be obtained by any interested Commission member from our Director, Mr. Brinton Markle.
4. Consultation was obtained with an attorney, Mr. Jerome Loendorf, who worked with the Task Force in drafting our proposal which was later introduced into this 1971 legislative session by Senators Luke McKeon and Frank Hazelbaker as Senate Bill #73.
5. Task Force members personally presented the bill to the Montana Medical Association, the Montana Coroner's Association, the Montana Bar Association Executive Committee and the Cascade County Bar Association. All these groups agreed to support it.

6. Task Force members met with the Attorney General and his staff on many occasions for the purpose of reaching mutual agreement concerning revision of the bill in terms of the anticipated legislative executive reorganization plan.
7. Task Force members were present at the Senate Administration Committee hearing. Their testimony is believed to have influenced the Committee's "do pass" recommendation. Following this the bill was submitted to the Senate Finance and Claims Committee where it received a "do not pass" recommendation. The only official word I received concerning this is enclosed as a letter from their Chairman, Senator William A. Groff. My answer to his letter written as Chairman of the Task Force is also enclosed.

Even though our results are disappointing and admittedly discouraging, I cannot believe our efforts have been to no avail. I sincerely hope someone in the future will be able to utilize our accomplishments and, of course, be more successful than we.

In conclusion, I have two recommendations:

1. Since no Task Force group could have given of themselves more devotedly to a cause, I recommend that the following persons be given special commendation and thanks from the Director and members of the Governor's Crime Control Commission.

Dr. John Anderson
Chief Clayton Bain
Dr. William Cashmore
Robert Gannon
Justice John Harrison
Dr. David Lackman
Dr. John Newman
John Wilson
C.W. (Bill) Wolfe
Patrick Wyse

2. I further recommend that the Governor's Crime Control Commission remain interested in and concerned with any future endeavor which will tend to create an adequate system of death investigation and technical laboratory facilities for the law enforcement personnel and all citizens of Montana.

Mr. John Thomas
Page 3
March 10, 1971

As chairman, I again wish to thank all of you for your support, in particular, Mayor John McLaughlin and the Legislative Task Force who provided invaluable advice and assistance.

Yours very sincerely,

/s/ J. Pfaff, Jr., M.D.

J. PFAFF, Jr., M.D.
Chairman, Task Force on Science and Technology
Governor's Crime Control Commission

JP:jf

Enclosures

MEMORANDUM

TO: Montana Board of Forensic Science

FROM: Lonn Hoklin

10/10/77

RE: 1. Committee appointments
2. Meeting schedule
3. Administrative matters

1. Chairman John Pfaff asked me to notify Board members of committee appointments made in accordance with the Board's resolutions of October 9, 1977. In that meeting, the Board resolved to form three committees initially, and to defer formation of other needed committees until certain objectives have been met. Dr. Pfaff appointed the following committees:

A. Personnel Resources Committee:
Mickey Nelson - Chairman
John Jutila
Gene Kiser

B. Physical Resources Committee:
Fritz Behr - Chairman
Ray Lynch
William Brinkel
Robert Chesterfield
Joseph Lee

C. Basic Operations and Planning Committee:
Don White - Chairman
Dale Dye
Wally Schumacher
Robert Griffith
Robert Harvie
John Newman

2. At its first meeting, the Board resolved to meet on the final Wednesday of every month, anticipating that meetings would dovetail with those of the Montana Board of Crime Control (BOCC). Meetings can be held in the BOCC Conference Room, in the Law Enforcement Services Division

office (across the street from BOCC) and in the Attorney General's library (in the Capitol).

The Board tentatively scheduled its next meeting, however, for December 7, 1:00 P.M.. BOCC has combined its November and December meetings into a single session on December 8-9, so its conference room will be available. Please notify me if you cannot attend the December meeting.

The Board may wish to solidify a 1978 meeting schedule at its next session (December 7), so that members can adjust their individual schedules and arrange proxies.

The tentative 1978 meeting schedule follows:

January 25
February 22
March 29
April 26
May 31
June 28
July 26
August 30
September 27
October 25
November 29
December 27

Committee chairmen should inform me as soon as possible of their committees' meeting times and places. The full Board arranged its meeting in the afternoon to enable committees to meet in the morning. If possible, we will furnish staff to assist committees during their meetings provided that committee chairmen notify me of their staff needs in advance.

3. Administrative matters:

A. The Board's success hinges on maintaining accurate, clear and concise records of its actions and discussions. Records must lend themselves to publication in a final report as addenda to the Board's findings, recommendations and proposed legislation. Equally important is the capability of referring to past actions and adopted policy during the course of current deliberations.

Following the October 9 Board meeting, the staff analyzed the Board's stated objectives in light of limited staff resources. The following recommendations emerged from that analysis:

i. The staff will record significant Board actions as numerically ordered resolutions. The record will not distinguish between resolutions and motions, but will

generally interpret nonroutine motions, i.e., those of a substantive nature, as resolutions. Resolutions will appear in the record as follows (an example):

Resolution #1 (date)

Short title (discloses subject)

Offered by Dale Dye
Seconded by Robert Harvie

Explanation (language within the motion, e.g., "Resolved that the Board of Forensic Science hire competent staff.")

Discussion (abstract of Board members' views, questions, and observations)

Disposition: Adopted or Rejected

Dissenting votes: (listed if requested by dissenting members)

The staff will file all resolutions in a separate category for ready reference by the Board.

ii. The staff will record and abstract the Board's discussion on matters not pertaining to resolutions for inclusion into the record of each meeting.

iii. Following each meeting, the staff will compile the Meeting Record in two parts: 1. Resolutions; 2. Discussion. The staff will present the Meeting Record to the Secretary/Treasurer (Mickey Nelson) for his approval and signature. At the next meeting, the Secretary/Treasurer will, in turn, present the Meeting Record to the full Board for its final approval.

iv. Committees and individual members may draft proposed resolutions in advance.

B. From time to time, the Chairman and the various committees may wish to issue observations, instructions or factual information on matters before the Board. Such material may not be suitable for Board action in the form of resolutions or for inclusion into the Meeting Record as discussion. In these instances, the staff will prepare numerically ordered memoranda upon the instructions of the Board, and will maintain them for ready reference in a separate file.

State of Montana

Department of Justice



ROBERT L. WOODAHL
ATTORNEY GENERAL

LAW ENFORCEMENT ACADEMY
ROOM 400 — COLTER HALL
MONTANA STATE UNIVERSITY
BOZEMAN, MONTANA 59715

February 2, 1978

Jim Burnes, President
Montana Sheriff's and Peace Officers
Association
Great Falls, Montana 59401

Dear Jim:

This letter is directed to the Montana Sheriff's and Peace Officers Association, and concerns two topics, the Forensic Lab and the Academy.

As the membership is aware, the LEAB is very interested in the Forensic Lab, and wishes to offer some suggestions concerning the Lab. A matter of prime concern is locating the Lab and the Academy together. The mutual interests, and the interrelated operations, would enhance both the Lab and the Academy. We feel that, if possible, the Lab and the Academy should be housed in the same facility. Further, we feel that Bozeman offers the best location for both operations.

Experience has shown us that Bozeman is the best location for the Academy, and we're sure that some of the reasons for that also apply to the Lab. The central location of Bozeman, and the travel routes and commercial accessibility are important. Because of its' location in the traffic pattern, many officers pass through Bozeman on the way to Deer Lodge, Warm Springs, Helena, etc. Many departments use trips of this nature to stop by the Academy to pick up films, video tapes, handouts and other materials. This results in quite a savings for postage and transportation costs. Similar saving would result if the Lab were also located in Bozeman. Probably most important to the Lab are the resources at MSU. Chemistry, physics, engineering and microbiology have forensic implications. Most of the equipment needed for the Lab is available at MSU. Supplies and materials can be acquired through the University.

Several professors have forensic backgrounds, as can be attested by Dr. Jutila, a member of the board. In fact, each of the four points mentioned in Sheriff Dye's letter of January 26, 1978 can be well provided for at Bozeman. We wish to stress again the advantages of locating the Lab and the Academy together and feel that this would provide a better service to law enforcement.

As a separate matter, we want to bring to the attention of the association the current status of the Academy's problem with location. The Board of Regents continues its position that the Academy must move to Dillon by September 1, 1978. Attorney General Greely has advised us that, although we will move off campus, the LEAB will remain in Bozeman. We are working on several alternatives, but time and money are against us.

We have proposed to lease a modular facility which will be constructed to our specifications and design. This facility, if it can be acquired, would consist of two classrooms, two office buildings, and four dormitories with a total capacity of 64 students. We are encountering problems with other state agencies about the ability to lease or purchase facilities. MSU and local groups have been very cooperative, but we are facing opposition by certain individuals and agencies who are working against this and any other alternative which would allow us to stay in Bozeman.

We are sure that the members of the Association share our concern with this problem. It might be very advantageous for a delegation to meet with the Attorney General to work towards a solution. If enough pressure is brought to bear on the appropriate agencies, this problem can be solved. Time, however, is against us. If no alternative facility is available this summer, it is quite possible that we will be forced to Dillon.

As you are aware, we have no argument with the housing available at Dillon. Due to the non-central location, and particularly due to the lack of vital support facilities and services, the Academy's operation would suffer greatly at Dillon. We do not have the money available, and neither the Regents or any other agency has offered the necessary funds, to make the move and construct the Firearms Range and Photography Lab. Few people realize, other than law enforcement, that these facilities must be completed and ready for use or the Academy cannot function. In order to continue to provide training we need your support and assistance.

Sincerely,

/s/ Larry L. Lytle
Larry L. Lytle,
Chief

LLL/dm

MEMORANDUM

DATE: 21 June 1978
TO: Lonn Hoklin
FROM: Bruce McGinnis
RE: Texas Statutes Relating to Forensic Pathology

The following is a summation of the major points of difference between Texas and Montana law regarding death investigations.

First, it should be noted that in Texas each county with a population of 500,000 or more and without a reputable medical school is required to have a M.E.'s office. Any other county may set up a M.E.'s office if the county commissioners so decide. Two or more counties may join together to create a M.E.'s district if they desire.

MONTANA

State M.E. and County Coroner System

M.E. - appointed by the Board of Forensic Science
Coroner - elected

Note: If the coroners office is vacant, or if he is absent, his duties may be discharged by the justice of the peace for that county.

Qualification

M.E. - a forensic pathologist qualified or certified by the American board of pathology

Coroner - none for coroner function

AME - physicians lisenced to practice in Montana.

Duties

M.E. - provide assistance and consultation to AME's, coroners and law enforcement officers.

- provide court testimony
- stimulate and direct research
- maintain an ongoing educational and training program
- appoint the director of the laboratory of criminalistics and AME's
- appoint an administrative assistant if necessary

The duties of the ME include but are not limited to the above.

Coroner - to be notified and investigate deaths

- notify state ME and law agencies if criminal

conduct is suspected.

- when the county attorney requests an inquest, to hold such with a jury
- to issue subpoenas for the inquest
- retain a medical examiner to perform an autopsy
- to keep records and send copies to the county attorney and the ME
- to see that the body is decently interred.
- to appoint assistants or deputy coroners if necessary.

- AME
- to perform autopsies
 - to make and file the necessary reports
 - report to the county attorney the cause of death

Authority

Autopsies: to order - County Coroner

- County Attorney
- Attorney General

to request - ME/AME

to perform - ME/AME

- any licensed physician in the state

Inquests: to order - County Attorney

to perform - Coroner with assistance from the

county attorney and professional opinions.

Accessibility to Records

Autopsy Reports - open to inspection.

Death Certificate - Inspection permitted only for the determination of personal and property rights.

TEXAS

County ME and Justice of the Peace System

ME - appointed by the County Commissioners court

JP - elected

Qualifications

ME - a physician licensed by the state Board of Medical Examiners and to the greatest extent possible, have training in pathology and other medicolegal sciences.

J.P. - none for coroner function.

Duties

ME - to perform autopsies

- to hold inquests with or without juries
- keep full records and death certificates
- file reports with the proper district, county or criminal district attorney

- appoint necessary personnel with the approval of the commissioners court.

JP - to hold inquests with or without juries

- to issue subpoenas to witnesses for the inquest
- keep full records of the inquest and to deliver them to the clerk of district court.
- request opinions from the County Health Officer or a licensed physician on the necessity of an autopsy and to have them perform it
- make out death certificates

Authority

Autopsies: to order - ME

- District, county or criminal district attorney

to request - J.P. (a J.P. can order the removal of body fluids and call in a toxicologist to examine).

to perform - ME or deputies

- County Health Officer or a physician trained in pathology.

Inquests: to order - J.P.

- ME and deputies

to perform - J.P. with professional opinions if necessary

- ME or deputies

Accessibility to Records

Autopsy Reports - Copies furnished to duly authorized persons from the clerk of the district court for a \$5 fee.

Death Certificate - Subject to the regulations of the State Department of Health controlling the accessibility of vital records, the State Registrar shall, upon request, supply a copy to any properly qualified applicant.

Subject Deaths - It is the duty of the J.P. or the M.E. or his deputies to hold an inquest when the following deaths occur:

1. When any person dies in prison or in jail;
2. When any person is killed, or from cause dies an unnatural death except under sentence of the law; or dies in the absence of one or more good witnesses;
3. When the body of a human being is found, and the circumstances of his death are unknown;
4. When the circumstances of the death of any person are such as to lead suspicion that he came to his death by unlawful means;

5. When any person commits suicide or the circumstances of his death are such as to lead to suspicion that he committed suicide;
6. When a person dies without having been attended by a duly licensed and practicing physician and the local health officer or registrar required to report the cause of death do not know the cause of death;
7. When the attending physician does not know the cause of death. Tex. Rev. Civ. Stat. Art. 49.01.

Autopsies are required on:

1. Bodies to be cremated, unless the J.P. determines an autopsy isn't necessary.
2. Deaths caused by pestilential disease, e.g., bubonic plague.

MEMORANDUM

DATE: 22 July 1978
TO: Lonn Hoklin
FROM: Bruce McGinnis
RE: Southwestern Institute of Forensic Sciences in
Dallas, Texas

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The Institute is a county agency under the authority of the county commissioners. They are not a branch of the state criminalistics laboratory. There are 1.5 million people in Dallas County being served by the Institute plus an additional .5 million people in outlying counties for a total that is almost three times as great as the population of Montana. Cases outside of Dallas County are handled on a case by case contract.

The administration structure consists of the M.E. heading two divisions:

1. The M.E.'s office and,
2. The Criminalistics Laboratory, which includes three
bureaus:
 - a. Toxicology.
 - b. Drug identification.

c. Physical evidence.

Each bureau has its own chief who is accountable to the M.E.

The facilities of the divisions are located together for close cooperation on cases. Dr. DiMaio, Deputy M.E., emphasized that there is no competition between the divisions and that the M.E. has no trouble overseeing the criminalistics laboratory in addition to the M.E.'s office.

An advantage of the Institute is being connected with the medical school at Dallas. Several of the Institute's doctors, both M.D.'s and Ph.D's, serve on the staff of the school. Equipment which is necessary, but expensive and not always in use, is shared jointly with the medical school.

By no means is this a complete description of the Institute, but it should give one an idea of their system and how it relates to the needs of Montana. In my conversation with Dr. DiMaio, he stressed the importance of the Board members visiting the Institute rather than sending someone up here. He felt that a chance to view the facilities, the medical school and to be able to talk to all of the personnel in their operation was in our best interests. However, he thought it would be possible to send one of the Deputy ME's here by the end of September if that's what the Board wished.

The following Resolution was adopted by unanimous vote of the Montana State Chiefs of Police Association members present at a meeting held Friday November 3rd, 1978 at Missoula, Montana supporting the proposal as presented: Funding of the State Forensic Crime Laboratory System

RESOLUTION

Whereas, in the past the legislation was not considered for funding of the Criminal Laboratory System.

Whereas, the financial position of the State of Montana is such that a new source of funding is necessary.

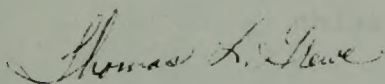
Whereas, as proposed for a fund raising program from the State Registry of Motor Vehicles.

Whereas, a proposal is as such: (a one dollar fee for all registration fees registered through the Montana State Registry Office.)

Whereas, fees collected would be as such to support the Montana Criminal Laboratory System.

Therefore be it resolved that the Montana Chiefs of Police Association supports the proposed funding schedule of the Montana Criminal Laboratory System.

Sincerely,



Thomas L. Grewe
President
Montana Chiefs of Police Association
Glasgow, Montana

The following Resolution was adopted by unanimous vote of the Montana State Chiefs of Police Association members present at a meeting held Friday November 3rd, 1978 at Missoula, Montana supporting the proposal as presented: Location of the Montana State Forensic Crime Laboratory.

RESOLUTION

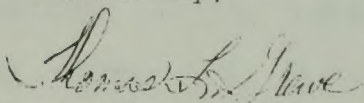
Whereas, the proposed Forensic Crime Laboratory be located in the same area which would be on the campus grounds of the Montana Law Enforcement Academy, Bozeman, Montana.

Whereas, it is most important to law enforcement of the State of Montana for more efficiency the citizens of the State of Montana deserve for expedient and efficient due process.

Whereas, the convenience of the facilities as well as the education the personnel would be to law enforcement officers attending the Academy and would be most beneficial in up-grading officer efficiency.

Therefore it be resolved that the Montana Chiefs of Police Association does fully support the proposed location of the Forensic Criminal Laboratory System at the Montana Law Enforcement Academy at Bozeman, Montana.

Sincerely,



Thomas L. Grewe
President
Montana Chiefs of Police Association
Glasgow, Montana

